



THE RED BOOK OF MENTEITH:

IN TWO VOLUMES QUARTO, WITH ILLUSTRATIONS.

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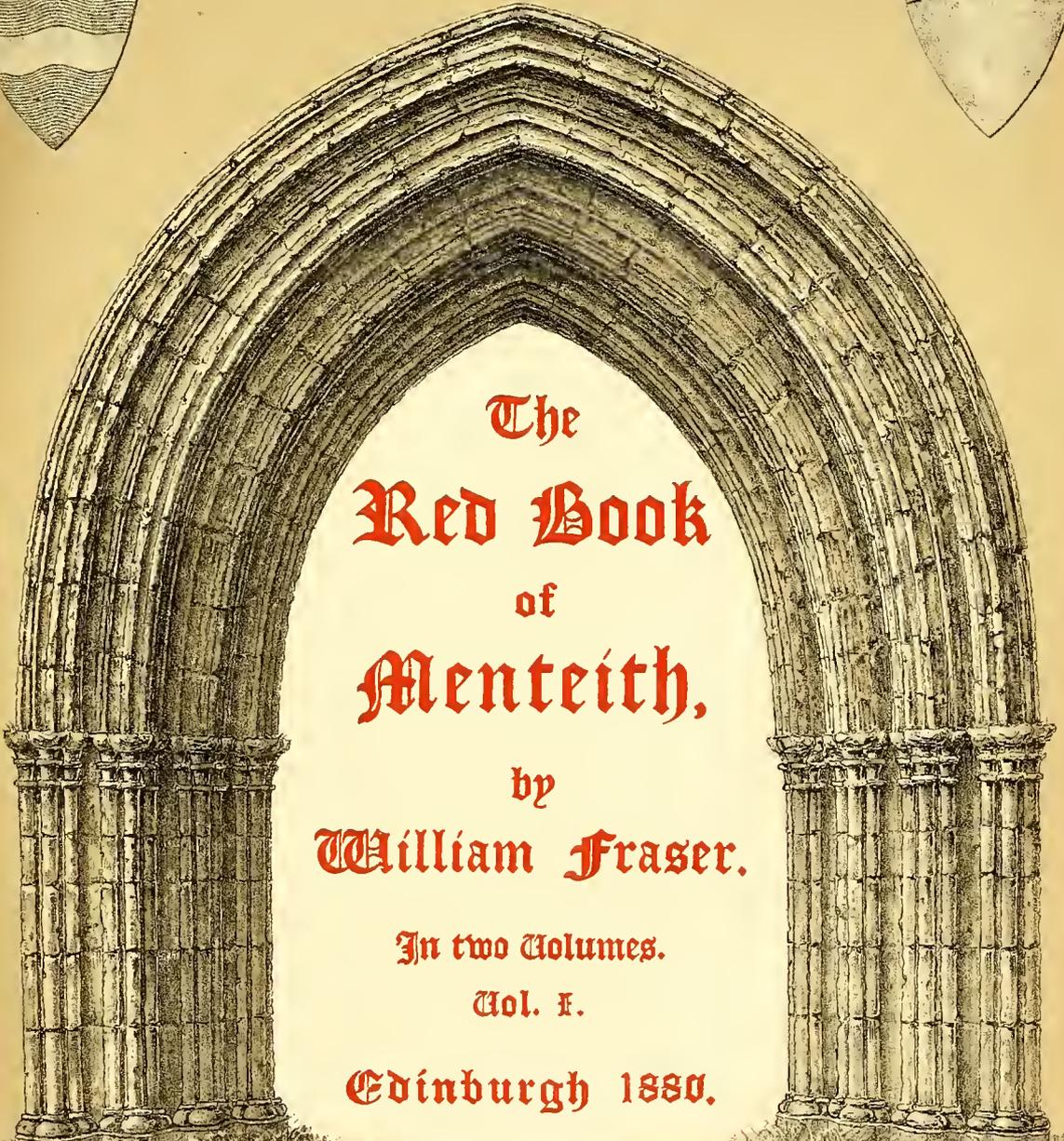
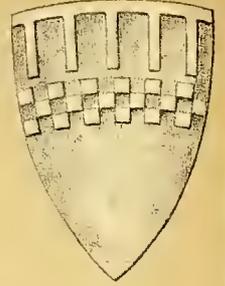
CHARLES STIRLING HOME DRUMMOND MORAY
OF BLAIR-DRUMMOND AND ABERCAIRNY.

*THIS WORK HAS BEEN COMPLETED IN FULFILMENT OF THE WISHES OF HIS
LATE BROTHER, GEORGE STIRLING HOME DRUMMOND OF BLAIR-DRUMMOND.*

The Two Volumes are forwarded to you

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WILLIAM FRASER,
32 CASTLE STREET, EDINBURGH.



The
Red Book
of
Menteith,
by
William Fraser.

In two Volumes.

Vol. I.

Edinburgh 1880.



Contents of Volume First.

	Page
TITLE-PAGE—DOORWAY OF PRIORY OF INCHMAHOME.	
GENERAL TABLE OF CONTENTS,	i-iv
SUMMARY OF THE INTRODUCTION AND MEMOIRS IN THE RED BOOK OF MENTEITH,	v-xvi
INTRODUCTION TO THE RED BOOK OF MENTEITH,	xvii-lxxxii
THE EARLS AND HEIRESESSES OF MENTEITH :—	
THE MENTEITH EARLS OF MENTEITH,	1-288
THE EIGHT GRAHAM EARLS OF MENTEITH,	289-432
SIR JOHN MENTEITH AND HIS RELATIONS WITH SIR WILLIAM WALLACE,	433-456
PEDIGREE OF THE MENTEITH EARLS OF MENTEITH,	457-459
,, MENTEITHS OF RUSKY, KERSE, ETC.,	460-463
,, GRAHAM EARLS OF MENTEITH,	464-466
,, DRUMMONDS OF BLAIR-DRUMMOND,	467-470
CASTLES AND RESIDENCES OF THE EARLS OF MENTEITH :—	
DOUNE CASTLE,	471-496
THE CASTLE OF TALLA,	497-505
DUKE MURDACH'S ISLAND AND TOWER,	505-506
THE PRIORY OF INCHMAHOME,	507-552
VOL. I.	I

ILLUSTRATIONS IN VOLUME FIRST.

I.—PORTRAITS.

	Page
THE DRUMMONDS OF BLAIR-DRUMMOND, ETC. :—	<i>between 470 and 471</i>
SIR PATRICK DRUMMOND, brother of Henry, first of Gairdrum, Lord Conservator of the Scots' privileges at Campvere, 1650. He was knighted before 1640. He was the second son of Andrew, second son of George Drummond, first of Blair in the Stormont. This picture marked, 'Nolens Parui, 1634.'	
ANNA MURRAY, LADY HALKET, daughter of Robert Murray, Provost of Eton and Preceptor to King Charles the First, and Jean Drummond, daughter of George, second of Blair in the Stormont.	
GEORGE DRUMMOND, fifth of Blair in the Stormont, and first of Blair-Drummond in Menteith. From painting by Sir John Medina.	
JAMES DRUMMOND, second of Blair-Drummond.	
JEAN CARRE, his wife.	
GEORGE DRUMMOND, third of Blair-Drummond.	
LADY JANE GREY, his first wife. From painting believed to be by J. Davison.	
FRANCES MORAY of Abercairny, his second wife, afterwards Lady Erskine of Torry.	
AGATHA DRUMMOND, heiress of Blair-Drummond.	
HENRY HOME, LORD KAMES. From a painting by P. W. P. Martin.	
GEORGE HOME-DRUMMOND, sixth of Blair-Drummond. From painting by H. P. Danloux, 1798.	
JANET JARDINE, his wife, daughter of the Rev. John Jardine, D.D., Dean of the Chapel Royal. She died at Leamington, Warwickshire, 30th January 1840. From painting by H. P. Danloux, 1798.	

ILLUSTRATIONS IN VOLUME FIRST—PORTRAITS—*continued.*

HENRY HOME-DRUMMOND, seventh of Blair-Drummond, in the robes of a B.C.L. of Oxford. From painting by Sir Henry Raeburn, 1816.

CHRISTIAN MORAY of Abercairny, his wife, born 24th November 1779, died 1864. From a painting by Sir Henry Raeburn, 1816.

GEORGE STIRLING HOME-DRUMMOND, eighth of Blair-Drummond.

MARY HAY, his first wife. From a miniature by Signor Pietracola of Naples in 1843.

KALITZA-JANET-ERSKINE-CHRISTIAN HAY, his second wife. From painting, in 1872, by the Hon. Henry R. Graves, third son of Thomas North, second Baron Graves.

CHARLES STIRLING HOME-DRUMMOND-MORAY, ninth of Blair-Drummond. From painting by J. M. Barclay, R.S.A., 1857.

LADY ANNE GEORGINA DOUGLAS, his wife, and WILLIAM AUGUSTUS HOME-DRUMMOND-MORAY, their second son. From painting by R. Buckner, 1857.

HENRY EDWARD STIRLING HOME-DRUMMOND-MORAY, younger of Blair-Drummond.

LADY GEORGINA EMILY LUCY SEYMOUR, his wife.

ANNE HOME-DRUMMOND, Dowager-Duchess of Athole. From an engraving of the original portrait by Sir Francis Grant.

WILLIAM GRAHAM, SEVENTH EARL OF MENTEITH. From an engraving of the original portrait by Jameson, at Taymouth Castle, Page
between 330 and 331

HENRY ERSKINE, FIAR OF CARDROSS, LAST PRIOR OF INCHMAHOME. From an engraving of the original portrait by Jameson, in the Earl of Buchan's Collection,
 548 and 549

ILLUSTRATIONS IN VOLUME FIRST—*continued.*

II.—CASTLES, LETTERS, ETC.

	Page
Doorway of Priory of Inchmahome—Title-page.	
Blair-Drummond,	<i>between xxiv and xxv</i>
Effigy of Sir John Drummond, in the Priory of Inchmahome,	xl and xli
Letter by Bishop William Fraser about the death of the Maid of Norway,	72 and 73
Monument to Walter Stewart, Earl of Menteith, and his Countess Mary, in the Priory of Inchmahome,	74 and 75
Official Seal of Robert, first Duke of Albany,	238 and 239
Doune Castle in Menteith,	472 and 473
Castle of Ilantullo, in the Lake of Menteith,	498 and 499
Priory of Inchmahome, in Lake of Menteith—South Side,	506 and 507
Priory of Inchmahome—North Side,	508 and 509

III.—ARMORIAL SEALS, ETC. *Woodcuts of—*

Sir Edmund Hastings, Lord of Inchmahome,	xliv, xlvi
Alexander Comyn, Lord of Buchan,	35
Sir John Comyn, son of the Earl of Buchan [<i>circa</i> 1280],	51
Sir John Comyn, <i>circa</i> 1285,	51
Walter Stewart, fifth Earl of Menteith, 1292,	76
Alexander, sixth Earl of Menteith,	89
Robert, Duke of Albany,	238
William Graham, seventh Earl of Menteith,	394
Signature of same Earl,	394
Sir John Menteith,	433

SUMMARY
OF
THE RED BOOK OF MENTEITH.

INTRODUCTION.

I. THE ANCIENT EARLDOM OF MENTEITH.

	PAGE
The District of Menteith : extent of the ancient and later Earldoms,	xvii
Sketch of the history of the successive Earls of Menteith,	xix
The Muniments of the later Earldom of Menteith,	xxii
Biographical Sketch of the late Mr. George Home-Drummond of Blair-Drummond,	xxiv
Biographical Sketch of his father, the late Mr. Henry Home-Drummond,	xxvi
Original Charters of the Earldom and of the Priory of Inchmahome,	xxxii
Correspondence by Sir Thomas Hope, naming his successor as Lord Advocate,	xxxv
John Grahame of Claverhouse : his letters and scholarship,	xxxvii

II. EARLY CONNECTION OF THE DRUMMONDS WITH MENTEITH, AND THE ARMORIAL
BEARINGS OF THE EARLS OF MENTEITH AND THE DRUMMONDS.

Charters by the Earls of Menteith to the Drummonds,	xl
The Drummonds and the Priory of Inchmahome : their first burial-place,	xli
The seal of Sir Edmund Hastings in 1301, and its relation to the Drummond arms,	xliii
Origin of the three bars wavy as the armorial bearings of the Earls of Menteith,	xlvi
The assumption of the same arms by the Drummonds,	li

III. THE ORIGIN OF THE DRUMMONDS AND THEIR ROYAL ALLIANCES.

Lord Strathallan's history of the Drummonds,	lii
Alleged descent of the family from the Hungarian Prince Maurice,	liii
Other histories of the family, by Mr. Malcolm and Mr. Henry Drummond,	lv
More reliable explanation of the origin of the family of Drummond,	lvi
Origin of the name : examination of the evidence of ancient charters,	lviii
Connection between the family of Drummond and the lands of that name in the Lennox,	lix
King James the Fourth and Margaret Drummond : tragic death of her and two sisters,	lxi
Erection of the barony of Drummond by King James the Fifth in 1542,	lxiv

	PAGE
Alienation of barony from the Drummonds to Menteith and Montrose,	lxvi
Services of John, first Lord Drummond : erection of Drummond Castle, 1491,	lxix
Royal alliances and distinguished members of the House of Drummond,	lxx
Royal visitors to Menteith : King Robert Bruce ; Queen Mary ; Queen Victoria,	lxxi
Roh Roy Macgregor : his feud with and declaration against the Duke of Montrose,	lxxii
Ancient symbol of holding of the barony of Leny, a small silver sword,	lxxiv
Sir John Menteith : Doune Castle : Lordship of Cardross and the Erskines,	lxxv
Inchmahome, Dryburgh, and Camhuskenneth : " Leahhar dearg " of Menteith,	lxxvi
The Exchequer Rolls : Robert Stewart created Earl of Fife and Menteith,	lxxvii
Further evidence as to the Peerages of Fife and Menteith, and female descent,	lxxviii
Sir John Menteith, Lady Elene of Mar, and Joanna, Countess of Strathern,	lxxix
Sir John Moray of Bothwell, first husband of Margaret, Countess of Menteith,	lxxx
Princess Jean Stewart and her two husbands, Sir John Keith and Sir John Lyon,	lxxxii
Historical documents printed in preface to recent volume of the Exchequer Rolls,	lxxxii

THE EARLS AND HEIRESSES OF MENTEITH.

1. THE MENTEITH EARLS OF MENTEITH.

Menteith an earldom in the twelfth century,	1
References to probable Earls of Menteith before King David the First,	2

I.—GILCHRIST, FIRST EARL OF MENTEITH.

Is a witness to various charters of King Malcolm the Fourth and William the Lion,	4
Had jurisdiction over Kintyre and Cowal in Argyll,	5

II.—MURETHACH OR MURDACH, SECOND EARL OF MENTEITH.

Witness to a convention in 1201 between the Prior of St. Andrews and the Culdees,	6
---	---

III.—MAURICE SENIOR AND MAURICE JUNIOR, EARLS OF MENTEITH.

Dispute as to succession to the earldom : amicable arrangement between them,	7
Maurice junior receives the earldom, 1213 : lands given to Maurice senior,	8
Is one of the seven Earls of Scotland at the enthronement of King Alexander II., 1214,	9
His death, <i>circa</i> 1230 : his two daughters, Isabella and Mary,	10

IV.—ISABELLA, COUNTESS OF MENTEITH, AND WALTER COMYN, EARL
OF MENTEITH, HER FIRST HUSBAND. 1231-1258.

	PAGE
The family of the Comyns : their rise and influence in Scotland,	11
Birth and first notices of Walter Comyn : his frequent attendance at Court,	12
Was Lord Clerk Register, 1225 : acquisition of the lordship of Badenoch, 1228,	14
His marriage to Lady Isabella Menteith, and becoming Earl of Menteith, 1231,	16
Head of the "Patriotic" party in Scotland : proceedings against the Bissets, 1241,	18
Castles of Hermitage and Dalswinton built by Walter Comyn,	20
His conduct at the coronation of King Alexander the Third in 1249,	23
Attendance at the King's marriage at York in 1251 : becomes head of the Regency,	25
Alan Durward secures the person of the young King : triumph of the English party, 1255,	27
Excommunication of the English Regents : the Patriotic party regain power, 1257,	29
Treaty with Llewellyn, Prince of Wales : Cessation of civil discords in Scotland,	31
The Earl's death, November 1258,	32
Foundation by this Earl of the Priory of Inchmahome, 1238 : his children,	33

ISABELLA, COUNTESS OF MENTEITH, AND SIR JOHN RUSSELL, KNIGHT,
HER SECOND HUSBAND. 1258-circa 1273.

Dissatisfaction of Scottish nobles with her second marriage : her imprisonment,	36
Her efforts to regain the earldom : Papal bull narrating proceedings, 1264,	38
Death of the Countess, circa 1273 : Sir John Russell : inquiry as to his family,	44

V.—LADY ISABELLA COMYN AND WILLIAM COMYN, LORD OF
KIRKINTILLOCH, HER FIRST HUSBAND. 1273-1291.

Lady Isabella, the daughter of Walter Comyn, marries her cousin,	46
Claims the earldom of Menteith, 1273 : the earldom divided, 1285,	47
Death of her first husband, 1291 : Lady Isabella not the daughter of Sir John Russell,	49

LADY ISABELLA COMYN AND SIR EDMUND HASTINGS, LORD OF
INCHMAHOMIE, HER SECOND HUSBAND. 1292-1314.

Lady Isabella bestowed in marriage on Sir Edmund Hastings, circa 1293,	52
Descent of the Hastings family, and their possessions in Scotland,	54
Sir Edmund's armorial seal in 1301 that of the earldom of Menteith,	57

	PAGE
Sir Edmund Hastings keeper of Berwick-on-Tweed,	58
Barbarous imprisonment of Isabella, Countess of Buchan, in Berwick Castle,	58

VI.—MARY, COUNTESS OF MENTEITH, AND WALTER STEWART, FIFTH
EARL OF MENTEITH, HER HUSBAND. 1258-1295.

Parentage of Countess Mary and of Walter Stewart: they obtain the earldom, 1258,	60
He sides with the English party: Edinburgh Castle taken by stratagem, 1255,	61
Grants to Paisley Abbey, the previous burial-place of the Stewarts,	62
The battle of Largs and subjugation of the Western Isles, 1263,	64
Sheriff of County of Ayr: preparations for Norwegian invasion,	66
Sheriff of Dumbarton, 1271: inquest on female succession,	67
Negotiates for the marriage of the Princess Margaret to Eric, King of Norway, 1281,	68
Death of King Alexander the Third, 1284: accession of the "Maid of Norway,"	69
The Earl of Menteith a party to the treaty with England for her marriage, 1289,	70
Death of the Maid of Norway, 1290, and competition for the Crown,	72
Deaths of the Countess Mary (before 1286) and of Walter Stewart, <i>circa</i> 1295,	74
Their monument in the Priory of Inchmahome: their children,	75

VII.—ALEXANDER, SIXTH EARL OF MENTEITH, AND LADY MATILDA
HIS WIFE. *Circa* 1295-*circa* 1304.

The sons of Walter Stewart, Earl of Menteith, adopt name of Menteith,	77
Alexander joins Bruce's party: swears fealty to King Edward the First, 1291,	78
Present at the siege of Berwick and battle of Dunbar: is taken prisoner,	79
Short imprisonment in the Tower of London: not put to death but liberated,	81
Swears fealty to Edward at Berwick-on-Tweed, 1296: terms of oath,	84
Appointed guardian of the estates of Alexander of Argyll and his son John, 1296,	86
Summoned to assist Brian Fitz-Alan, Governor of Scotland, against Wallace, 1297,	87
His death, <i>circa</i> 1304: burial-place in Abbey of Cambuskenneth: his children,	88

VIII.—ALAN, SEVENTH EARL OF MENTEITH. *Circa* 1304-1306.

Birth: becomes surety for his father: goes to Flanders, 1296,	90
Succeeds to the earldom, <i>circa</i> 1304: joins Bruce: taken prisoner at Methven, 1306,	91
Captivity and death in England, <i>circa</i> 1306: his daughter Mary,	94

IX.—MURDACH, EIGHTH EARL OF MENTEITH, AND ALICE HIS
COUNTESS. 1318-1332.

	PAGE
Obtains the earldom of Menteith by arrangement during his niece's minority, . . .	95
The earldom in ward : Sir John Menteith appointed guardian, . . .	96
Grants to Earl Murdach from King Robert the Bruce: the Soulis conspiracy, . . .	97
Death of Bruce and regency of Randolph, Earl of Moray : Edward Baliol, . . .	98
Death of Earl Murdach at battle of Dupplin, 1332 : his Countess Alice, . . .	100

X.—LADY MARY MENTEITH, COUNTESS OF MENTEITH, AND HER HUSBAND,
SIR JOHN GRAHAM, NINTH EARL OF MENTEITH. 1332-1360.

Her birth, before 1306 : claims the earldom, <i>circa</i> 1332, . . .	102
Marries Sir John Graham, 1334 : Papal dispensation granted to them, . . .	103
The Earl of Menteith present at the battle of Durham, 1346 : his gallant conduct, . . .	106
Is taken prisoner, sentenced, and put to death by King Edward the Third, 1346, . . .	108
Feuds between the Menteiths and Drummonds : final arrangement of these, 1360, . . .	109
The Countess grants lands in Argyll to the Campbells : her death, <i>circa</i> 1362, . . .	114

XI.—LADY MARGARET GRAHAM, COUNTESS OF MENTEITH, AND HER
FOUR HUSBANDS. 1334-*circa* 1380.

Her birth, <i>circa</i> 1334 : her four marriages and five Papal dispensations, . . .	116
Her first husband, Sir John Moray of Bothwell, Panitarius of Scotland, 1348, . . .	117
Her second husband, Thomas, Earl of Mar, 1352 : divorced from him, . . .	121
Her third husband, John Drummond of Concraig, <i>circa</i> 1359, . . .	124
Her fourth husband, Sir Robert Stewart, afterwards Earl of Menteith, 1361, . . .	127
Becomes Countess of Fife and Menteith : her death, <i>circa</i> 1380, . . .	130

XII.—SIR ROBERT STEWART, TENTH EARL OF MENTEITH, AFTERWARDS EARL
OF FIFE, DUKE OF ALBANY, GOVERNOR OF SCOTLAND, ETC. 1339-1420.

His parentage, birth, and marriage to the Countess of Menteith, 1339-1361, . . .	131-133
Becomes Lord of Menteith : charged to keep order in the earldom and his other lands, 1361, . . .	134
Lawsuit between Douglas and Menteith about terce due to the Countess of Menteith, . . .	135
Created Earl of Menteith and also Earl of Fife, 1371 : agreement with Isabella of Fife, . . .	136
Curious matrimonial contract between Philippa of Moubray and Bertold of Loen, . . .	138
Marriage arranged between the families of Menteith and Moubray, 1372, . . .	140

	PAGE
Is made Keeper of Stirling Castle : provided for in succession to the Crown, 1373, . . .	141
Obtains supplies from England : grants of land : accompanies the King in circuits, . . .	143
Is made Lord Chamberlain of Scotland, 1382 : Sir John Lyon : death of first wife, . . .	145
Marries Lady Muriella Keith : the privilege of Clan Macduff : dispute as to lands of Logy, . . .	147
Visit of French army to Scotland, and joint invasion of England, 1385, . . .	149
Battle of Otterburn and death of Douglas, 1388 : proceedings as to Tantallon Castle, . . .	152
The Earl appointed Governor of Scotland, 1388 : provision for salary of the office, . . .	154
Again invades England, 1389 : truce with England and France, . . .	156
Financial transactions with King Robert the Third : Parliament at Scone, 1391, . . .	158
Sir Thomas Erskine's complaint : alliance between Lennox and Menteith, 1392, . . .	160
Pensions received by the Earl : expenses in the Highlands and other parts, 1397, . . .	162
Creation of Dukes of Rothesay and Albany, 28th April 1398, . . .	163
Duke of Rothesay appointed lieutenant of the kingdom, 1399 : charges against Albany, . . .	165
Beneficial legislation, 1401 : letter by Rothesay to Henry the Fourth, . . .	169
Rothesay's excesses : his imprisonment and death, 1402 : his character, . . .	171
Albany and Douglas charged with his murder : their innocence and public acquittal, . . .	176
Albany again chosen Governor, 1402 : preparations for war with England, . . .	179
Battle of Homildon Hill, 1402 : siege of Cocklaws and relief by Albany, 1403, . . .	180
See of St. Andrews : the Duke's onerous duties : difficulties with the Treasury, . . .	183
Sir Murdach Stewart's captivity : correspondence thereanent, . . .	185
Capture of Prince James and death of King Robert the Third, 1406, . . .	188
The Earl of Northumberland and Lord Bardolph in Scotland : their deaths in England, . . .	189
Death of David Fleming : wrongful accusation of Albany, . . .	190
Albany is chosen Regent : Embassies to England for release of King James, 1407-1414, . . .	192-200
Henry the Fifth's refusals to liberate King James or Sir Murdach Stewart, . . .	198
Albany becomes Earl of Buchau : English jealousy of his title of Governor, . . .	200
Negotiations with England, and correspondence between Henry and Albany, 1407, . . .	201
Jedburgh Castle demolished : taxation therefor opposed by Albany, 1409, . . .	208
Alliances of Albany and Douglas, 1409-10 : the latter freed from captivity in England, . . .	211
Capture of Fast Castle by Patrick Dunbar : renewed overtures for peace, . . .	215
St. Andrews University founded : the Lord of the Isles claims the earldom of Ross, . . .	217
Albany at Doune Castle : marriage of John, Earl of Buchan, son of Albany, . . .	220
Sir Murdach Stewart exchanged for Henry Percy : proposals to ransom King James, . . .	222
Albany's popularity as Regent : a benefactor of the Church and protector of its privileges, . . .	224
His arbitration as to Irvine Moor : the "foul raid : " the Council of Constance, . . .	226
King Richard the Second of England : the Scottish army in France, . . .	228
Death of Albany, 3d September 1420 : opinions of historians as to his character, . . .	230
His second Duchess : his children, . . .	236

XIII.—SIR MURDACH STEWART, SECOND DUKE OF ALBANY, EARL OF FIFE, AND ELEVENTH EARL OF MENTEITH, 1362-1425. LADY ISABELLA, COUNTESS OF LENNOX, HIS DUCHESS, 1392-1460.

	PAGE
His birth, <i>circa</i> 1362: is Justiciar north of the Forth, 1389: his marriage, 1392, . . .	239
Terms of marriage-contract: Prince Robert Stewart, second son of the King, . . .	241
Sir Murdach is taken prisoner at Homildon, 1402: negotiations for his release, . . .	244
Instructions and arrangements for his liberation, 1415: ransom of £10,000, . . .	246
Escape and recapture: exchanged for Sir Henry Percy, . . .	253
Acts as his father's lieutenant: succeeds to his titles: is elected Governor, 1420, . . .	257
His other offices and pensions: agreement with Alexander Stewart, Earl of Mar, . . .	259
Archibald, Earl of Douglas, endeavours to obtain King James's release, 1421, . . .	263
Charters granted by Duke Murdach: his regard to the King's interests, . . .	264
Arrangements for the King's liberation, 1424: arrest of Sir Walter Stewart, . . .	266
Coronation of King James the First: heavy taxation: inquiry as to crown lands, . . .	269
Harsh measures towards the nobility: arrest of Duke Murdach, with other noblemen, . . .	272
Execution of the Duke and his sons, 1425: probable reasons for their fate, . . .	274
Popular feeling: Isabella, Duchess of Albany: children of Duke Murdach, . . .	276
Subsequent history of the dignity of Duke of Albany,	281

APPENDIX TO MEMOIRS OF THE DUKES OF ALBANY.

Discovery of letters of King James the First, <i>circa</i> 1416, relative to his release, . . .	283
Correspondence with Robert, Duke of Albany, and other noblemen, . . .	284
Letter to the burgh of Perth: the King's impression as to his release, . . .	287

THE EIGHT GRAHAM EARLS OF MENTEITH.

I.—MALISE GRAHAM, FIRST EARL OF MENTEITH. MARION, HIS COUNTESS. 1427-1490.

The family of Graham: distinguished descent of Malise, Earl of Strathern, . . .	289
Seizure of earldoms by King James First: Earl Malise deprived of Strathern, . . .	291
Created Earl of Menteith, 1427: becomes a hostage in England: released, 1453, . . .	292
Port of Menteith made a burgh of barony, 1466: the battle of Sauchie, 1488, . . .	294
Death of Earl Malise, <i>circa</i> 1490: his Countess Marion,	295
The children of Earl Malise: the Grahams of Boquhaple,	296

II.—ALEXANDER GRAHAM, SECOND EARL OF MENTEITH, AND
MARGARET BUCHANAN, HIS COUNTESS. 1490-1537.

	PAGE
Question as to his parentage : succeeds his grandfather in the earldom, <i>circa</i> 1490, . . .	302
Litigation as to the lands of Kilbride : their recovery by Earl Alexander, . . .	304
Agreement with Earl of Montrose about Kilpont : charters to his brother Henry, . . .	306
His death, <i>circa</i> 1537 : his children : the Grahams of Gartur, . . .	308

III.—WILLIAM GRAHAM, THIRD EARL OF MENTEITH, AND MARGARET
MOUBRAY, HIS COUNTESS. 1537-1544.

His marriage, 1521 : redemption of lands and additions to earldom, . . .	309
Present in Parliament : killed by the tutor of Appin at Tobanareal, 1543, . . .	310
His children : the Grahams of Gartmore : alliance with Argyll family, . . .	311

IV.—JOHN GRAHAM, FOURTH EARL OF MENTEITH, AND MARION
SETON, HIS COUNTESS. 1544-1564.

Retoured heir to his father in 1546 : accompanies Queen Mary to France, 1550, . . .	317
Joins the Lords of the Congregation, 1559 : proposal for marriage of Queen Elizabeth, . . .	319
His death, <i>circa</i> 1564 : his children : the Grahams of Rednoch, . . .	320

V.—WILLIAM GRAHAM, FIFTH EARL OF MENTEITH, AND MARGARET
DOUGLAS (OF DRUMLANRIG), HIS COUNTESS. 1564-1579.

Commissioner to receive demission of Queen Mary and inaugurate King James Sixth, . . .	323
Terms of his marriage-contract, 1571 : is infert in earldom while still under age, . . .	324
Receives various commissions against the Highlanders, 1574 : a privy Councillor, . . .	326
Feud between Menteith and Lecky : his death, 1579 : his children, . . .	326

VI.—JOHN GRAHAM, SIXTH EARL OF MENTEITH, AND MARY
CAMPBELL (OF GLENORCHY), HIS COUNTESS. 1579-1598.

His long minority : his marriage, 1587 : lawsuit with Dowager Countess, 1587-1591, . . .	328
His death, 1598 : his children, . . .	330

VII.—WILLIAM GRAHAM, SEVENTH EARL OF MENTEITH, EARL OF STRATHERN, AND FIRST EARL OF AIRTH. LADY AGNES GRAY, HIS COUNTESS. 1598-1661.

	PAGE
His birth : long minority : dispensation for his infertment,	331
His marriage, 1612 : examinatiou of his Charter-chest : acquisition of lands,	332
Commissions of justiciary, 1621 : King James Sixth and the "earth dogges,"	334
His interest in Church matters : made a Privy Councillor, 1626,	336
Appointed President of Privy Council, and Justice-General of Scotland, 1628,	338
A member of Privy Council of England : in high confidence at Court, 1630,	340
Relations with Sir Thomas Hope : Claims the earldom of Strathern, 1629,	341
Renounces the annexed Strathern lands in favour of King Charles the First,	343
Receives ratification of title of Earl of Strathern with grants of money, 1631,	345
Acquisition of Drummond and Airth : jealousies against the Earl,	348
Statements made against him to the King, 1632 : Charles demands proofs,	350
Opinions of the Advocates sent to his Majesty : Sir John Scot at Court,	352
The Earl charged with boasting "he had the reddest blood in Scotland,"	355
Conduct of Sir Thomas Hope, King's Advocate : his advice to the Earl,	356
Counsel advise reduction and cancellation of the Strathern titles : their reasons,	358
The Earl is created Earl of Airth : the patent for the new title,	361
Decree given by Lords of Session for Reduction of Strathern Retour,	363
Unjust character of the whole proceedings : letter by John, Earl of Traquair,	365
The Earl's enemies not satisfied : he is charged with treason, 1633,	366
Defends himself to his Majesty : Commission appointed for his trial,	368
Depositions of Sir James Skene and other informers, reported to King,	372
The Earl denies the accusations against him : submits to the King, 1633,	374
He demits his offices, and is confined within the bouuds of his own earldom,	377
Beset by creditors, becomes insolvent : "not a penny" from the Exchequer,	379
Takes active part against the Macgregors : captures brother of Gilderoy, 1636,	382
Is again received into the royal favour : opposes the Covenant,	383
Assassination of his sou Lord Kilpont : the King's debt to the Earl,	385
Passing of his estate to creditors : dispersion of lands of Killride, Airth, etc.,	387
Losses during civil war : burning of Aberfoyle by General Mouck, 1654,	388
His death, 1661 : his Countess and her management : his children,	390

JOHN GRAHAM, LORD KILPONT, ELDEST SON OF WILLIAM, SEVENTH EARL OF MENTEITH. LADY MARY KEITH, LADY KILPONT. 1613-1644.

His birth, <i>circa</i> 1613 : his marriage, 1632 : assists his father as Justiciar of Menteith,	395
In command of the troops in Glenalmoud to repel Montrose and the Irish,	396

	PAGE
Joins the Marquis of Montrose, 1644, and is killed in his camp at Kirk of Collace,	397
Conflicting accounts of his assassination : Wishart : the Ardvourlich tradition,	398
His murderer, James Stewart of Ardvourlich, pardoned by Committee of Estates, 1645,	401
Fend between the Grahams and the Stewarts, on account of death of Lord Kilpont,	403
Early history of the assassin : petition against him by Lord Kilpont's son, 1660,	404
Effect of Lord Kilpont's death on his wife : their children,	406

VIII.—WILLIAM GRAHAM, EIGHTH AND LAST EARL OF MENTEITH, AND
SECOND AND LAST EARL OF AIRTH. ANNE HEWES AND KATHERINE
BRUCE OF BLAIRHALL, HIS FIRST AND SECOND COUNTESSSES. 1661-1694.

His birth, <i>circa</i> 1634 : obligation by his grandfather,	407
Assumes title of Lord Kilpont : succeeds as Earl of Airth and Menteith, 1661,	408
State of his affairs : claims money from King Charles Second, but without success,	409
Petitions for compensations of losses during the Commonwealth,	411
Marriage to his first Countess : is divorced from her,	413
His second Countess : curious domestic contract : she leaves Talla and the frogs,	414
Contrivance to get her to return : his appearances in public,	416
Summoned to attend on militia : energy against conventicles,	418
Is thanked by the King and Privy Council for his services,	420
Recommends Claverhouse as a suitor for the hand of his cousin Helen Graham,	422
Entail of the earldom, 1680 : protests against separation of Menteith dignities and estates,	423
Proposals to his uncle Sir James Graham for clearing off debts, and new entail, 1683,	425
Death of his second Countess : his own death, 1694 : last disposition of his affairs,	428
Dispersion of Menteith Muniments : later history of title of Airth,	430

SIR JOHN MENTEITH AND HIS RELATIONS WITH SIR WILLIAM WALLACE.

Circa 1260-*circa* 1325.

Parentage of Sir John Menteith : traditions regarding his betrayal of Wallace,	433
Statements of historians regarding his relations to Sir William Wallace,	434
First authentic historical notices of Sir John Menteith : at battle of Dunbar, 1296,	436
Liberation from imprisonment in England, 1297 : goes to Flanders,	437
His return : takes part with the patriots in Scotland : Lord of Knapdale, 1301,	438
A negotiator for peace : defeat of Sir John Comyn's party, 1303,	440
Submission by Sir John Comyn to King Edward First : position of Wallace,	442
Sir John Menteith appointed Governor of Dumbarton : Edward's temper "fulle grim,"	443
Capitulation of Stirling Castle : submission of Scottish nobles,	444
Stipulations as to Sir William Wallace : efforts for his capture	446
Sir John Menteith's share in the matter : his reward of £100,	448

	PAGE
Is one of the representatives of Scotland in the Union Parliament, 1305,	449
Receives from King Edward the earldom of Lennox : death of King Edward First,	450
Coronation of King Robert Bruce : Sir John Menteith adheres to him,	451
Signs letter to the Pope, 1320 : Treats for peace with England, 1323,	453
His decease : his descendants : the Menteiths of Kerse, Rusky, etc.,	454
His daughter Joanna, Countess of Strathern, and her four husbands,	456
PEDIGREE OF THE MENTEITH EARLS OF MENTEITH,	457
PEDIGREE OF THE MENTEITHS OF RUSKY, KERSE, ETC.,	460
PEDIGREE OF THE GRAHAM EARLS OF MENTEITH,	464
PEDIGREE OF THE DRUMMONDS OF BLAIR-DRUMMOND,	467

CASTLES AND RESIDENCES OF THE EARLS OF MENTEITH.

DOUNE CASTLE.

This Castle the principal messuage of the ancient earldom of Menteith,	471
Sir Walter Scott's regard for its "bauner'd towers : " general description of the Castle,	472
Traditions as to its origin : Robert, Duke of Albany, the true builder,	476
Favourite residence of the Dukes of Albaug : a royal residence,	478
The dowry of successive Scottish Queens : occasional residence of Queen Margaret,	480
The keepers of the Castle : Sir William Edmonstone of Duntreath and his sons,	481
Sir James Stewart of Beath supersedes William Edmonstone of Duntreath,	482
Feud with the latter : Sir James Stewart killed by Edmonstones, 1544,	484
Sir James succeeded by his son : the latter created Lord Doune : sketch of his life,	486
The Castle a State prison : names of various distinguished captives,	488
Doune occupied by the Jacobites, 1745 : building of the Bridge of Teith,	492
John Home, author of "Douglas," warded in Doune : his escape by blanket ropes, 1745,	493
Views of the Castle,	496

THE CASTLE OF TALLA IN THE LAKE OF MENTEITH.

Various designations of this Castle : no records of its founder,	497
The chief residence of the Graham Earls, and principal messuage of their earldom,	498
Description of the buildings and furnishings of the Castle : the Earl's wardrobe,	499
Other islands and buildings in the Lake of Menteith : the antlered chestnut,	500
Queen Mary's garden : her visit to Menteith : sheltered in Inchmahome, 1547,	502
Scenery of Lake of Menteith : "gay Coldon's feathered steep : " Bandarroch, etc.,	504
Duke Murdach's Island and Tower in Loch-Ard : Isle of St. Malloch,	505
Other residences of the Earls of Menteith : Kilbride Castle, Rusky Tower, etc.,	506

THE PRIORY OF INCHMAHOME.

	PAGE
The Priory founded by Walter Comyn in 1238 : present state of the ruins, . . .	507
Burial-place of the Earls of Menteith : monuments in the choir : Queen Mary's bedroom, . . .	508

THE PRIORS OF INCHMAHOME.

The island served by a parson, 1210 : Adam and Maurice, priors, 1296 and 1305, . . .	511
First visit of King Robert the Bruce : submission of Malise, Earl of Strathern, . . .	513
Second and third visits to Inchmahome : charter to monks of Arbroath, . . .	515
Christin, third known prior, 1330-1358 : grants to him by King David the Second, . . .	517
Prior David, <i>circa</i> 1490 : the lands and kirk of Leny : Prior Audrew, 1526-1530, . . .	520

THE COMMENDATORS OF INCHMAHOME.

ROBERT ERSKINE, 1531-1547.

Assists in education of George Buchanan : a Menteith and Argyll marriage, . . .	522
Robert Erskine a favourite of Queen Mary's : his death at the battle of Pinkie, . . .	524

JOHN ERSKINE, Commendator, 1548-1555.

The "King of Kippen" and the King of Scotland : the "King of the moors," . . .	525
John Erskine created Earl of Mar : chosen Regent and guardian of King James Sixth, . . .	527

DAVID ERSKINE, Commendator, 1555-1608.

His parentage : Commendator of Dryburgh and Archdean of Brechin, . . .	528
Appoints John, Lord Erskine, bailie of the Priory : grants several charters, . . .	529
Sits in Parliament, 1560 : commissioner to the Borders : a Privy Councillor, . . .	532
Question as to the "thirds" of Priory lands, . . .	534
Attendance on King James the Sixth : Disputes in the Erskine family : their reconciliation, . . .	536
Prior David a Councillor under Regent Morton, 1578 : joins the Raid of Ruthven, 1579, . . .	541
He is forfeited and the Priory given to Henry Stewart of Doune, . . .	542
Home of Argaty executed for corresponding with Prior David while in exile, . . .	543
Forfeiture of Dryburgh Abbey : act of indemnity : David Erskine restored, . . .	544
His demission and death : provision for his widow, Margaret Haldane, . . .	546

HENRY ERSKINE, Commendator, 1608-1628.

Provided to the Priory : his parents, John, Earl of Mar, and Lady Mary Stewart, . . .	547
Became fiar of Cardross : the Priory of Inchmahome included in the lordship of Cardross, . . .	548
Terms of the Act of Parliament erecting the lordship, 1606, . . .	550
The Abbacies of Dryburgh and Cambuskenneth also part of the lordship of Cardross, . . .	551
Death of Henry Erskine : peerage of Cardross now held by the Earl of Buchan, . . .	552

The Red Book of Menteith.

INTRODUCTION.

I.—THE ANCIENT EARLDOM OF MENTEITH.

THE “varied realms of fair Menteith” are situated chiefly in the south-west of the county of Perth, and partly in the county of Stirling. The parishes of Port of Menteith, Aberfoyle, Callander and Leny, Kincardine, Kilmadock, Lecropt, Dunblane, Logie, and parts of Kippen, are included in the district known as Menteith. Sir Walter Scott, who frequently visited it, has immortalised Loch Katrine, the Trossachs, and the lakes and mountains of Menteith in “The Lady of the Lake,” while Aberfoyle, Loch Ard, and other portions forming the country of the Macgregor, are celebrated in the fascinating pages of “Rob Roy.” The great novelist’s magic hand, in “A Legend of Montrose,” has described other parts of the district, and related the tragic fate of the young heir of the earldom, John Graham, Lord Kilpont, killed by a comrade in the camp of his kinsman Montrose.

This attractive country, in the twelfth century, gave name to an earldom which probably was erected as early as any of the other ancient earldoms into which Scotland was then divided. The first Earls of Menteith appear to have taken their surname, as well as their title of Earl, from the district,

the vale of the river Teith.¹ Gilchrist is the first known Earl of Menteith. As the owner of this extensive and valuable earldom, he must have been a nobleman of great power and influence; and, indeed, those ancient Earls of Scotland, wielding almost sovereign power over extensive territories, have been called monarchs in miniature. The charter of creation of his earldom is not known to exist, and in the absence of any other authentic evidence, it can only be conjectured that the ancient earldom included the larger portion of the district now known as Menteith. The later earldom, which was created by King James the First in the fifteenth century in favour of Malise Graham, formerly Earl of Strathern, did not include all the lands of the original earldom which had been forfeited by Murdach Duke of Albany as Earl of Menteith; on the contrary, the charter of creation of the new territorial earldom of Menteith reserved to the king the other portions of it in these terms—"Ceteras autem terras, que de dicto comitatu ante hanc nostram concessionem ab antiquo fuerant et que in presenti carta nostra non continentur, per expressum nobis et successoribus nostris [imperpe]tuum tenore presencium reseruanus."² Among the places thus reserved was the Castle of Doune, which was the principal messuage of the ancient earldom at the time of the forfeiture.

The direct male line of the original Earls of Menteith failed at an early date. Only three of them are known who inherited the earldom, Gilchrist, Murdach, and Maurice. The two daughters of Maurice the third Earl, his

¹ The Highlanders called the Teith in Gaelic *Taiche*, and in the patent of Strathern by King Charles the First to William, seventh Earl of Menteith, dated 31st July 1631, the grantee is described as "Comes Taichæ lie Menteith." The Teith is known in the district as the "warm river," from

being protected by high mountains and woods along its banks.

² Original Charter at Buchanan, printed in Minutes of Evidence in Airth Peerage, p. 7; also in History of the Earldoms of Strathern, Menteith, and Airth, by Sir Harris Nicolas, Appendix, p. xvi.

only children, were his co-heiresses, and by their marriages the territorial earldom was carried successively into the great families of Comyn and Stewart, while the respective husbands of these ladies obtained the personal dignity of Earls of Menteith, either in right of their wives or by special creation.

The Earls of Menteith, like their neighbours the Earls of Lennox and Strathern, were an unfortunate race. Almost from the first their earldom was the cause of unnatural strife and keen legal contentions. Brother disputed with brother, and sister with sister, in successive generations, regarding their rights to it. Although the "Isle of Rest" was situated in the domains of the ancient Earls of Menteith, it did not prove symbolical of quiet enjoyment of their possessions. The direct male line of the Menteiths, Earls of Menteith, ended, as we have said, in the third known generation. In the next generation the two daughters, and also a grand-daughter of Earl Maurice, had long-continued contentions about their rights to the earldom. One of these daughters, Lady Isabella, married Walter Comyn of Badenoch; and on account of dark suspicions as to the manner of his death, and her second marriage to Sir John Russell, an English knight, who was called "ignoble," she was dispossessed of the earldom. Her brother-in-law, Walter Stewart, the husband of her younger sister, Lady Mary, then obtained it, and a long litigation with him ensued, which ultimately resulted in a partition of the territory. The only child of Countess Isabella was a daughter, whose rightful claim to the earldom was disputed. Walter Stewart was the first Earl of Menteith of his name. He was the father of Alexander, Earl of Menteith, who was dispossessed of the earldom by the English; and it was for a time divided between Sir John Hastings, the competitor for the Crown of Scotland, and his brother, Sir Edmund Hastings, who married Lady Isabella Comyn. The successful termination of the War of Independence

at the battle of Bannockburn restored the earldom to the Stewarts, and it was reunited under the younger son of Alexander, Murdach, the eighth Earl, who enjoyed the title after the death of his brother Alan, the seventh Earl. The male line of the Stewart Earls failed in the fourth generation, when Lady Mary, the daughter and heiress of Alan, carried the earldom by marriage to Sir John Graham, a gallant warrior, who did not long enjoy it, being cruelly put to death by the English after the battle of Durham. Their daughter and heiress, Lady Margaret Graham, married in succession four husbands, Sir John Moray Lord of Bothwell, Thomas thirteenth Earl of Mar, Sir John Drummond of Coneraig, and Sir Robert Stewart. Her fourth husband, Sir Robert Stewart, after the death of the Countess Mary, was created Earl of Menteith, afterwards Earl of Fife and Duke of Albany, and became Regent of Scotland. Their son, Murdach Earl of Menteith and second Duke of Albany, succeeded his father as Regent of Scotland; and the sad fate of himself and his family at the hands of King James the First is matter of history. The earldom of Menteith was then forfeited to the Crown.

The Graham Earls of Menteith, who acquired the earldom as diminished by King James the First, enjoyed it for nine generations—upwards of two centuries and a half. The most conspicuous of this line was William Graham, the seventh Earl, who was a distinguished statesman in the reign of King Charles the First. He attained a high political position as Earl of Menteith, being made Justice-General of Scotland and President of the Privy Council. He also laid claim to and obtained the earldom of Strathern, as the lineal heir of Prince David, son of King Robert the Second. But this claim, and an alleged rash boast that he had the reddest blood in Scotland, and a better right to the Crown than the King himself, so alarmed Charles the First that he revoked the grant of Strathern, even sought to suppress in

part his title of Menteith by a new title of Earl of Airth, and deprived him of all his high judicial offices. The eldest son and heir-apparent of that Earl, John Lord Kilpont, was killed by James Stewart of Ardvoirlich while they were fellow-officers in the army of Montrose at the Kirk of Collace shortly after the battle of Tippermuir. The only son of Lord Kilpont succeeded his grandfather as eighth Earl of Menteith, and died in 1694, without issue. Since that time the titles of Earl of Menteith and Airth have lain dormant, with the exception of the occasional illegal assumption of the title of Menteith by William Graham, who was known as the "Beggart Earl." His history has a touch of the romantic. At an election of Peers on 12th October 1744, being then a student of medicine, he answered to the title of Earl of Menteith, in respect of his being executor confirmed to William the last Earl of Menteith and Airth, who died in 1694.¹ He also voted at several subsequent elections.² William Graham was the direct heir, through his mother, of Lady Elizabeth Graham, sister and co-heiress of the last Earl William, by her husband, Sir William Graham of Gartmore, and also through her was a descendant of King Robert the Second, by his marriage with Euphemia Ross; but his great lineage did not save this unfortunate claimant of the earldom of Menteith from lunacy and poverty. Elections of Peers he shunned as much as he had formerly resorted to them, and on the eve of an election he would escape from Edinburgh with his "bags and wallets," lest his presence as a Peer might have the effect of conussing the election. The end of the "Beggart Earl" was indeed deplorable. He died through penury and exhaustion in 1783, on the roadside, near Bonhill, in the Lennox, when plying his vocation among the neighbouring farmers.³

¹ Robertson's Peerage Proceedings, p. 243.

² *Ibid.* pp. 255, 273, 275, 277, 290.

³ Riddell's Peerage Law, pp. 646-7.

Another claimant of the earldom, and a co-heir of Menteith with the unfortunate "Beggan Earl," was the celebrated Captain Barclay Allardice of Ury and Allardice, in right of his ancestress, Lady Mary Graham or Allardice, who was a co-heiress of Menteith. After the death of Captain Barclay Allardice, his only surviving child, Margaret Barclay Allardice, claimed the earldom of Airth as heiress of the last Graham Earl of Menteith. Her claim was opposed by Mr. Graham of Gartmore, as the heir-male of the Graham Earls of Menteith; but as no final decision has yet been pronounced, the dignity still remains dormant.

Such is a brief history of the successive Earls of Menteith. The eighth and last Earl having no children, conveyed the territorial earldom to his chief, James the third Marquis of Montrose. It was intended that the Peerage of Menteith should also be conveyed with the landed earldom, but the Crown refused its sanction. He left his personal estate to his nephew, Sir John Graham of Gartmore.

The Menteith Muniments were kept in the time of the seventh Earl in his island residence of Talla, in the Lake of Menteith. In an inventory of them made in the year 1618, the Earl noted that there was the number of "tua hundreth wrettis of the earldome of Monteith lying lows in the Chartour-kist, not in invitour."¹ On the death of the last Earl, his muniments relating to the territorial earldom were inherited by the Marquis of Montrose, and Sir John Graham obtained the papers relating to the personal estate. The portion preserved in the Montrose Charter-room at Buchanan was first brought under my notice when engaged on behalf of the late Duke of Montrose investigating the claim made in the year 1850 by the late Earl of Crawford to a Dukedom of Montrose, which was alleged to have been created

¹ Original Inventory in Charter-chest of Duke of Montrose.

in favour of his ancestor in the year 1488. The other portion, which is preserved at Gartmore, subsequently became known to me while investigating the claim of the late Mr. Graham of Gartmore to the earldom of Menteith.

The two collections of Menteith Muniments preserved at Buchanan and Gartmore consist of charters of the earldom of Menteith, and the correspondence of the seventh Earl with King Charles the First, Sir William Alexander, afterwards Earl of Stirling, as secretary of state, and the famous lawyer, Sir Thomas Hope, lord advocate; also the letters of John Graham of Claverhouse, afterwards Viscount of Dundee, in reference to his proposed marriage with Helen or Eleanor Graham, the cousin and supposed heiress of the last Earl of Menteith, and the inheritance by Claverhouse of his earldom. Both the Duke of Montrose and Mr. Graham of Gartmore readily gave consent that the Menteith Muniments in their respective repositories should be formed into a book similar to that on "The Lennox," which was mainly compiled from the Lennox and Darnley Muniments at Buchanan. The late Mr. George Stirling Home-Drummond of Blair-Drummond undertook the expense of printing the Menteith book, and confided to me the task of editing the work. The undertaking upon the part of that gentleman was very appropriate. From early times and in various ways the Drummond and Menteith families have been closely allied, as will be seen in the course of this work. The final resting-place of a distinguished Drummond in the fourteenth century was in the Priory of Inchmahome, in the Lake of Menteith, where the tombstone of Sir John Drummond is still preserved alongside the monumental stone of Walter Stewart, Earl of Menteith, and his Countess. The Drummond ancestors of Mr. Home-Drummond have long been proprietors of a large and beautiful estate in Menteith, and his great-grandfather, Lord Kames, as husband of the heiress of Blair-Drummond, made a marvellous improvement in a large tract of land by the reclamation of Blair-Drummond Moss.

Emulating the other improvements on the estate made by his ancestors, the late Mr. George Home-Drummond reared a noble mansion on a commanding situation to the north of the former house of Blair-Drummond. The new castle is one of the largest in Menteith, and will always be a monument to the good taste of the late owner. From its elevated position it is even a more prominent object than the neighbouring castle of Doune, which was erected by Robert Stewart, Earl of Menteith and Duke of Albany.

Mr. Home-Drummond unhappily did not live to see the book on Menteith completed, having died during its progress, in which he took much interest. On his death the following appropriate notice of him was written by an old and valued friend, the late Sir William Stirling-Maxwell of Keir, who himself was a distinguished man of Menteith :—

“Mr. Home-Drummond of Blair-Drummond, who died at the Alexandra Hotel, Hyde Park Corner, on Saturday, 3d June, will be deeply regretted by a large circle of friends and neighbours. Eldest son of the late Henry Home-Drummond of Blair-Drummond, who represented Stirlingshire in Parliament from 1820 to 1830, and Perthshire from 1841 to 1852, was for many years Vice-Lieutenant of Perthshire, and a leading member of the Conservative party in Scotland. He was born on the 1st of March 1813. He received his education at the New Academy at Edinburgh, and at Christ Church, Oxford, where he graduated in or about 1834. An excellent scholar, he inherited much of the ability and the literary taste of his father and his great-grandfather, Henry Home of Kames, well known as an eminent judge and author, and as the far-sighted agriculturist whose plans, steadily pursued for fifty years, turned the wilderness of Blair-Drummond Moss into a fair expanse of smiling farms. After leaving college, Mr. George Home-Drummond spent a considerable number of years in European travel, and made himself master of the languages and literature of France and Italy. During the lifetime of



BLAIR DRUMMOND.

his father, his home was for some years at Ardoch, in Perthshire, an estate to which he succeeded at the death of his maternal uncle, William Moray Stirling of Ardoch and Abercairny, and on which he made considerable improvements. In 1867 he succeeded to his large patrimonial estate of Blair-Drummond, and soon afterwards commenced the noble mansion there, which was only finished in 1874, and which is one of the most important and successful of the recently-erected country houses in Perthshire. The site chosen was a finely-wooded eminence to the west of the old house, commanding magnificent views, eastward, of the vale of Stirling, and, westward, of the rich scenery which is bounded by the Grampians.

“ Mr. Drummond was throughout the greater part of his life a diligent and judicious collector of books, and his library, both as regards its contents and the lofty galleried apartment in which they are displayed, is amongst the most considerable in Scotland. A student as well as a collector, he read the books which he bought, and his mind was as well stored as his shelves. Few men were better acquainted with almost all departments of general literature, and more able to settle, offhand, any point of controversy, from the resources of a singularly strong and accurate memory. Historical and antiquarian research, especially relating to his own country, was his favourite pursuit, and he had accumulated a considerable mass of notes and papers relating to the earldom of Menteith. These papers he placed some years ago in the hands of Mr. William Fraser, and it is to be hoped that they will ere long form part of an historical volume on that interesting district, with which Mr. Drummond was connected both by the ties of property and by his maternal descent from Sir John Drummond, who lies buried in the aisle of the Priory of Inchmahome. Endowed with a fine taste for art, cultivated by travel and research, Mr. Drummond enriched his family mansion with many acquisitions, to which his successors at Blair-Drummond will in after-days point as their

most cherished heirlooms. His intimate friends will acknowledge that he has left behind him few more instructive and agreeable companions; and many will grieve to think that his pleasant face and exhilarating and contagious laugh will be seen and heard no more amongst them. Of a retiring disposition, he shrank from what are called public appearances, and he therefore took no prominent part in public affairs, though he was exact in the discharge of his local duties as an extensive proprietor of land. During his whole life he was a steady supporter of the Conservative party, and the esteem in which he was held by his tenantry and neighbours enabled him to maintain in the county politics of Perth and Stirling his own quiet share of that influence with which the sagacity and services of his father had invested the Drummond family. He was twice married—first, in 1840, to Mary, eldest daughter of the late Mr. Hay of Dunse Castle, whose death at a very advanced age we lately recorded; and secondly, in 1863, to Kalitza, eldest daughter of Mr. Robert Hay of Linplum, who survives him. Leaving no children by either marriage, he is succeeded by his brother, Mr. Charles Home-Drummond Moray of Abercairny, who thus unites the estates of the old Berwickshire stock of the Homes of Kames to those of three old and esteemed families in the county of Perth—the Drummonds of Blair-Drummond, the Stirlings of Ardoch, and the Morays of Abercairny.”¹

As the successor of his brother, the present Mr. Charles Stirling-Home-Drummond Moray of Blair-Drummond and Abercairny generously undertook to complete this work in fulfilment of the wishes of his brother.

The father of these gentlemen, the late Mr. Henry Home-Drummond of Blair-Drummond, did great public service in various ways to the county

¹ Edinburgh Courant, 8th June 1876. The funeral of Mr. George Home-Drummond took place on the following day. His remains were interred in the family burial-place at the Church of Kincardine in Menteith.

of Perth, which he represented in Parliament for many years. Through his marriage with Miss Christian Moray, elder daughter of Colonel Charles Moray of Abercairny, and Anne Stirling, eldest daughter and heiress of Sir William Stirling, fourth baronet of Ardoch, his sons have inherited the estates of Abercairny and Ardoch; and Mr. Drummond Moray, the present proprietor of these estates, is a large landowner in Strathern as well as in Menteith. On the death of Mr. Henry Home-Drummond on 12th September 1867, the following tribute to his memory appeared in a contemporary journal:—

“The late Mr. Home-Drummond of Blair-Drummond, whose death was intimated in our columns a few days ago, deserves that a fuller tribute should be paid to his memory than we were able at the moment to offer. Although he had for years before his death retired from public life, and to many of our younger readers he may have been known merely as the respected proprietor of large patrimonial estates in the counties of Perth, Stirling, and Berwick, yet he had other and higher claims on the respect of his countrymen.

“Mr. Home-Drummond was born in 1783. His father was the son of the celebrated Lord Kames, a man of singularly varied powers, and who, while greatly distinguished in the fields of criticism and philosophy, was also eminent at once as a lawyer and a judge. His mother was a daughter of the Rev. Dr. Jardine, one of the ministers of Edinburgh, who belonged to the ancient family of Applegirth, in Annandale. Of this lady Lord Kames said, with characteristic terseness, ‘that she never spoke when she ought to have preserved silence, and never was silent when she ought to have spoken.’ Her son inherited largely the excellent discretion of his mother. He received his early education at the High School of Edinburgh, where he greatly distinguished himself as a classical scholar, and afterwards studied at Oxford, where he took his degree of LL.B. He was a close student, and carefully

cultivated his excellent natural powers. He married Miss C. Moray of Abercairny, who predeceased him by a few years.

“If the biography of Mr. Home-Drummond were written, it might fitly be arranged under the several heads of his character as a lawyer, a Member of Parliament and legislator; a vice-lieutenant and magistrate of the county; and as a country gentleman, and an ardent cultivator and improver of his paternal estates. He was admitted a member of the Faculty of Advocates in 1808. In 1812 the Lord Advocate of the day appointed him one of his deputed, and under the two succeeding Lord Advocates (Maconochie, afterwards Lord Meadowbank, and Sir William Rae) he was continued in office, and was entrusted with the conduct of a large part of the criminal business of Scotland, at a time when the management of this department required great courage and consummate skill. In this sphere he eminently distinguished himself in the remarkable State trials for sedition that occurred in 1817 and the three subsequent years. The Scotch bar never was stronger than at that time. There were giants in those days, but Mr. Home-Drummond proved himself able to cope with them, and never left the lists without vindicating his position. His mind was of a peculiarly judicial cast, and there can be little doubt, had he prosecuted his profession, that from his intellectual powers and his persevering habits of application, he would have gained the highest honours; but in 1821 he resigned his official appointment, and relinquished his general practice at the bar.

“Mr. Home-Drummond entered Parliament in 1821 as member for Stirlingshire, defeating Sir C. Edmonstone by a small majority. In the general election of 1826 he was unanimously re-elected for Stirlingshire. In 1840 he contested the county of Perth against Mr. G. D. Stewart, defeating his opponent by the large majority of 458. The victory was so complete that his opponents fled the field, and he was without opposition re-elected in 1842,

and again in 1847. In 1852 he gave way in a graceful speech at Perth in favour of his friend and neighbour, Mr. Stirling of Keir. Mr. Home-Drummond's politics were Conservative, but his conservatism was of a comprehensive and generous type. He was never an extreme party man, and he never wielded his political creed as an instrument of personal aggrandisement. Had he done so, the peerage might have been within his reach. The following philosophical exposition of his political views, delivered on the occasion of his second election for Stirlingshire in 1826, is remarkable. It might almost seem as if by a prophetic insight he had anticipated the present epoch. 'We live in times of a very peculiar description, when many things are in a state of alteration and transition; and though there never was a time in which caution and prudence were more necessary in steering the vessel of the State, yet, on the other hand, sound policy seemed (to him) to require that we should not strive to live in times that had gone by, but rather seek to accommodate ourselves, painful as the effort may occasionally be, to the changes which are constantly passing around us, and which we have no more power to stop than we have to arrest the heavenly bodies in their course, that move by the same eternal laws of nature and providence. He could most sincerely assure them that he spoke from no love of change; but that, on the contrary, he believed, if his mind and his motives were analysed, he was in more danger of being convicted of dread of innovation. Witnessing the progress of the human mind in the present age, rapid beyond all former precedent and example, and desiring to transmit unimpaired to posterity the blessings of the British Constitution, he was anxious to prepare, ere it became too late, for the changes that time and circumstances imperiously require. These reflections naturally brought vividly to his recollection the impressive language which he lately heard, and that still sounded in his ears, "That if we obstinately persist in rejecting all improvement because it

is innovation, the time will most assuredly soon come when we shall have innovation, whether we will or not, when it is no longer improvement.”’

“ Mr. H. Drummond achieved an honourable reputation as a Member of Parliament and as a legislator. He devoted himself assiduously to his Parliamentary duties. He was commonly considered to be a Peelite, and at all events he was intimately associated with the late Sir Robert Peel in the management of Scottish business in Parliament. While he sat in Parliament, scarcely any statutes relating to Scotland were passed without his advice and assistance; and there are several important statutes with which he was more especially connected, and which he had really the merit of carrying through the House of Commons. We may mention, among others, the General Turnpike and Statute Labour Acts, the Salmon Fishery Act, 19 Geo. IV., cap. 391, and the Recovery of Small Debts Act. These statutes indicate no ordinary legislative ability, and prove the truly statesmanlike character of their framer. Mr. H. Drummond was especially interested in the last-named statute, and he might well wish his name to be associated with it, for it was the means of conferring on his poorer countrymen many great benefits. At the various county meetings over which he presided, and the deliberations of which he largely directed, Mr. H. Drummond showed his legal attainments, his varied knowledge, his excellent business habits, and his courtesy and tact, all which contributed to make him *facile princeps* in such an arena. He not only ruled with a wise hand, but his compeers felt that the place of authority was rightly due to him. He discharged all his duties as a country gentleman in an admirable manner, and as an improver and embellisher of his own estates, his skill, enterprise, and success have been remarkable. It was Lord Kames who originated the idea of floating away the superincumbent moss to the Forth from the rich alluvial substratum that underlies ‘Blair-Drummond Moss;’ but it was his son and grandson who carried out and

consummated the singular enterprise, and who thereby converted a wide expanse of heath-covered waste into a fertile plain.

“No country gentleman ever better deserved or more largely enjoyed the respect of his tenantry. He was strictly just and honourable in his intercourse with them. He was easy of access, and lived among them. Rack-rents he knew to be not only ruin to the tenantry, but folly on the part of the landlord. But he was too ardent and skilful an improver himself to respect the indolent and ignorant cultivator. In the best sense of the word, he was a liberal landlord, and his numerous tenantry and dependents lived peaceably and prosperously under his wise and benignant rule. The private circle is sacred, but within it Mr. H. Drummond’s mild virtues shed an unspeakable charm. Mr. H. Drummond’s family all survived him. Mr. G. Stirling Home-Drummond of Ardoch succeeds to the paternal estates, and will readily receive, as from his honourable and amiable character he is entitled to possess, the affectionate respect of his neighbours, tenantry, and dependents. The second son, Mr. C. Home-Drummond Moray, succeeded to the Abercairny estates, and is deservedly a most popular country gentleman. The only daughter of the late Mr. H. Drummond is the Dowager-Duchess of Athole. It is unnecessary to say, for it is universally known, how admirably this noble lady has discharged, and continues to discharge, all the duties of her elevated station, or to advert to the remarkable place which she holds in the affections of her Majesty the Queen. He belonged to the last generation. He died at the ripe age of eighty-four. At this moment we know not that we could find many men who have stronger or more varied claims on the respect of their countrymen than the late Henry Home-Drummond of Blair-Drummond.”¹

Of the marriage of the late Mr. Henry Home-Drummond and the heiress

¹ Edinburgh Courant, 16th September 1867.

of Abercainry and Ardoch there was issue two sons and one daughter. In the previous generation the children were also two sons and one daughter. In the present generation the children are also two sons and one daughter. In all these cases the birth of the daughter occurred between the births of the sons. The daughter of the late Mr. Henry Home-Drummond is Anne, Duchess of Athole, who by her marriage with the late Duke of Athole closely connected another large district of the county of Perth with those previously in possession of the family.

The charters relating to the Earls and earldom of Menteith, printed in the second volume of this work, will be found very interesting. They commence with a charter by King William the Lion in the twelfth century. The other charters have special reference to the families of Menteith, Comyn, Stewart, Hastings, and Graham, who successively held that earldom. The charters also elucidate many points which have hitherto been involved in obscurity. The heiresses of Menteith, with their intermarriages, are one by one distinguished and established on a historical footing. The distinguished House of Drummond, though divested of the royal Hungarian descent hitherto claimed for it, now appears in its true light without in the least derogating from the illustrious position it has so long held.

An agreement in 1371 between Robert Stewart, Earl of Menteith, afterwards Earl of Fife and Duke of Albany, and Isabel Countess of Fife, is now printed from the original. Previous imperfect prints had puzzled and misled even that acute historical critic, Lord Hailes.

Attention may also be directed to the Papal Bulls and other documents relating to the Priory of Inchmahome, which, with one exception, have never before been published. These documents will be welcome information about a religious house in which two illustrious Sovereigns of Scotland,

King Robert the Bruce and Queen Mary, respectively found shelter in the troublous times of their chequered reigns, and of which John Erskine, afterwards Lord Erskine, Earl of Mar and Regent of Scotland, was for some years the Prior or Commendator. It was from Robert Erskine, his immediate predecessor in office, that the learned George Buchanan and his brothers, when young, received assistance by a grant of the lands of the Priory.

The documents now printed not only amply support the conclusions in the text as to the ancient Earls and earldom of Menteith, and the numerous interesting points arising from that subject, but also form a valuable contribution to Scottish history at a period which hitherto has yielded but little to the historian.

Not the least interesting portion of the collection of original documents in the second volume of this work will be found in the correspondence addressed to William Graham, seventh Earl of Menteith, which has never before been printed. The correspondence has been arranged into three divisions: Royal Letters, State and Official Letters, and Family and Domestic Letters. The chief part of the Royal Letters were written by King Charles the First, many of them being holograph, and all tend to show the high confidence which that monarch placed in the Earl previous to his unfortunate claim to the ancient earldom of Strathern. The latter is addressed as Chief-Justice of Scotland, President of the Privy Council, and as filling other high offices. He receives many special and confidential instructions, such as against certain persons for harbouring Jesuits; as to the precedency of the newly created Nova Scotia Baronets; as to the dues of the Crown; to ascertain the qualifications of certain persons seeking titles of honour; and other matters nearly affecting the King's interest. He also receives advice of a more personal nature, as in one letter the King desires him in particular, as President of the Council, to be present at, and to countenance the administration of the communion,

which had been interrupted by the turbulence of certain persons. Much power also is placed in the Earl's hands as to dealing with individuals. On one occasion he is authorised to accept probable presumptions of guilt as sufficient to inflict condign punishment on the rebels of the Borders. He receives full power to compel Lord Napier of Merchiston, then Treasurer-Depute, to resign his office, and failing his doing so, to bring him to trial. Instructions are given, under the King's own hand, not to bring Lord Ochiltree to his trial, as he was not likely to receive such a sentence as his Majesty desired; and also to interfere in the choice of a Provost for the city of Edinburgh, to prevent any "unconforme" man filling the post during the King's intended visit to Scotland. And even after the Earl fell under the King's displeasure, when the resistance to the royal schemes began in Scotland in 1638, we find his Majesty writing to the Earl of Airth, as one of his most reliable supporters. The Earl continued to receive special thanks from his Majesty for the opposition shown by himself and his son, Lord Kinpont, to the Covenanters.

Among the State and Official Letters, the principal are those from Sir Thomas Hamilton, afterwards Earl of Haddington, Sir William Alexander of Menstrie the poet, first Earl of Stirling, and Sir Thomas Hope, Lord Advocate. The letters of the Earl of Haddington and Sir Thomas Hope refer chiefly to proceedings in the Scotch Privy Council, although the latter was also interested in the Earl of Menteith's private affairs. Sir Thomas in his correspondence with the Earl, in whom the patronage of Scotland was then vested, was very urgent for the appointment of one of his sons as a Lord of Session. The repeated appeals which the learned Lord Advocate made are earnest and plaintive, and his invectives against a competitor are very severe. He also expressed his mind very freely on public men, remarking in one letter that Lord Traquair wrote a passage as false as

the devil!¹ The letters of Sir Thomas Hope form the largest collection of his correspondence hitherto printed. As illustrative of his character up to the close of his life, we are permitted to print, from the collections of his descendant, the Earl of Hopetoun, the following recommendation of a successor in his office of Lord Advocate, which Sir Thomas Hope wrote shortly before his death:—

I, Sir Thomas Hope of Craighall, his Majestie's Aduocat, taking t^o consideratioun the calamitous estait of the kingdome, and how necessarie it is that (in case of my decease) one be provydit to my place quho is not only indevit with giftis and abilities answerabill to the place of his Majestie's Aduocat, but also with the love and affectioun to Godis treuth, power and puritie thairoff, and to the liberties of the kingdome, and trusting that my desyre and judgement herein salbe acceptabill to his sacred Majestie and to the Estates, I do heirby declair that my oblischement caryis me in the first place to my cousing, Mr. Thomas Nicollsoun, in respect of the band of blood betuix him and me, and of the memorie of his worthie fater, and befor him of his thryis worthie vnclie my maister, vnder quhom I lernit not only my calling as a citizen, but my calling as a Christian; but if he, ather out off modestie or vtherwayes, sall declyne the place till the Lord mak him more rype, I think Sir Archibald Jonstoun of Wariston the fittest persoun for my place, both for abilitie, civill and spirituall, without exceptioun. And this I attest in sinceritie vnder my hand at Craighall, 23 February 1646.

S^R THOMAS HOPE.²

The correspondence gives interesting glimpses of political and party movements of the time, which, however, need not specially be referred to here. Sir William Alexander's letters are written chiefly in his capacity of Secretary of State, and give the aspect of political affairs from the point of view of the Court, while they are almost wholly silent as to his special scheme for the colonisation of Nova Scotia.

¹ Vol. ii. of this work, p. 142.

² Sir Archibald Johnston succeeded Sir Thomas Hope as Lord Advocate.

The family and domestic letters will amply repay perusal, especially those of the celebrated John Grahame of Claverhouse, afterwards Viscount of Dundee, who wrote passionate love letters about the heiress of Menteith, and was much chagrined when his suit was unsuccessful. He strongly urged the last Earl of Menteith to prefer him to his rival, the Marquis of Montrose. Claverhouse professed great friendship for the Earl of Menteith: "Provyd me," he says, "treues and a good bleu bonet, and there shall be no treuse trustier than myne."¹ In another letter, Claverhouse warmly resents calumnies against himself. He adds that "Labe has made me in love with the Yles of Menteith."² His letters are ten in number, several of them of considerable length.

The late Mr. Mark Napier, in his "Memoirs of Dundee," printed sixty-four letters by Claverhouse, which he says is the whole of his epistolary correspondence that he could discover to be extant.³ Of these sixty-four letters, forty are said to be printed for the first time from the Queensberry Papers, among the archives of the Duke of Buccleuch.⁴ In the first volume of his "Memoirs of Dundee," published in 1859, Mr. Napier explains that the late Mr. Charles Kirkpatrick Sharpe, who had written a Memoir of Dundee, recommended him to search the Queensberry archives for materials about Dundee. The Duke of Buccleuch had himself arranged the Queensberry correspondence into a series of volumes bound and lettered, which greatly lightened the labour of Mr. Napier's consultation of them, as he explains in his preface. From the collection so communicated to him he says he extracted the forty letters of Dundee, which he printed in his first and two subsequent volumes.

To another ducal collection, that of His Grace of Montrose at Buchanan,

¹ Vol. ii. p. 187.

² *Ibid.* p. 200.

³ Memoirs of Dundee, vol. ii. p. 9.

⁴ *Ibid.* p. 11.

Mr. Napier had also access, from which he extracted his chief materials for his *Memoirs of Montrose*. The correspondence at Buchanan not being so well arranged as the *Queensberry* correspondence, and requiring careful search for their discovery, the interesting letters of *Claverhouse* escaped the notice of Mr. Napier. They were discovered by the writer hereof after the *Memoirs of Dundee* were published, and are now printed in this collection for the first time.

A question has been agitated in reference to the scholarship of Dundee: Sir Walter Scott said that he spelt like a chambermaid, while Lord Macaulay averred that the spelling of Dundee was like that of a washerwoman. Mr. Napier combats these statements, but in printing the forty letters of Dundee he has modernised the spelling in every letter. If the alterations had been on a limited extent, Mr. Napier might have been justified in modernising the orthography. But where the alterations occur so frequently, Mr. Napier's operations on the correspondence are calculated to mislead the reader. Indeed, so entirely were reviewers misled by Mr. Napier's print of the letters, that they remarked on the contradiction which was given to Lord Macaulay's opinion of Dundee as a letter writer.

As evidence of the difference between the letters to the Duke of *Queensberry* as penned by *Claverhouse*, and the same as edited by Mr. Napier, the following, taken at random, are subjoined:—

ORIGINAL LETTER.

Kilkoubri, Apryl the 1. 1682.

MY LORD,—I am very happy in this business of this contry and I hop the deuk will have no raison to blame your Lordship for advysing him to send the forces hither for this contry now is in parfait peace, all who wer in the rebellion are ether seased, gon out of the contry, or treating their peace, and

MR. NAPIER'S VERSION.

Kirkcudbright, April the 1st, 1682.

MY LORD,—I am very happy in this business of this country and I hope the Duke will have no reason to blame your Lordship for advising him to send the forces hither. For this country now is in perfect peace; all who were in the rebellion are either seized, gone out of the country or treating their

they have alraidy so conformed as to going to the church that it is beyond my expectation. In Dumfries not only almost all the men ar com but the woemen have givin obedience, and Earngray Welshes owen parish have for the most pairt conformed and so it is over all the contry so that if I be suffered to stay any tyme here I doe expect to see this the best settled pairt of the kingdom on this seyed tay and if those dragoons wer fix't which I wrot your Lordship about I might promise for the continuance of it. . . ."¹

"London, Apryll the 10. 1683.

"MY LORD,—I delayed giving any answer to yours of the 29 of March wating for ane oportunity to speak with the deuk or rather to see if he would say any thing to me concerning your Lordship but having yesterday received yours of the thrid of Apryl I thought not fit to delay it any longer I went imediatly to the deuk who gave me occasion to speak to him at full lenth first I shoued him that peaper about the feu dutys which he raid all over. . . . I raid som pairts of your leters I thought propre for severall subjects to the Deuk. He approved of what was don desyrs your Lordship to goe on and looks on it as good service. . . ."²

Stranraer Mairch the 13.

My Lord,—I am sorry that there comes such alarums from the West. I can hardly

¹ Original Letter at Drumlanrig.

² *Ibid.*

peace; and they have already so conformed as to going to the Church that it is beyond my expectation. In Dumfries not only almost all the men are come but the *women* have given obedience; and *Irongray*, Welsh's own parish, have for the most part conformed; and so it is over all the country. So that if I be suffered to stay any time here, I do expect to see this the best settled part of the Kingdom on this side the Tay. And if those dragoons were fixed which I wrote your Lordship about I might promise for the continuance of it. . . ."¹

London, April the 10th, 1683.

MY LORD,—I delayed giving any answer to yours of the 29th of March, waiting for an opportunity to speak with the Duke, or rather to see if he would say any thing to me concerning your Lordship. But having yesterday received yours of the 3d of April, I thought not fit to delay it any longer. I went immediately to the Duke who gave me occasion to speak to him at full length. First I showed him that paper about the feu duties which he read all over. . . . I read some parts of your letters, I thought proper for several subjects, to the Duke. He approved of what was done, desires your Lordship to go on and looks on it as good service. . . ."²

Stranraer, March the 13. 1682.

My Lord:—I am sorry that there comes such alarums from the West. I can hardly

¹ *Memoirs of Dundee*, vol. ii. p. 272.

² *Ibid.* p. 332.

believe that things ar com that lenth yet. I am seur there is not the least apearance here as yet and if anything give them couradge it will be the retyring of the forces. I think it is very just we should be on our gaird and I am resolved to keep closser tho' I should loss the movibles and take feu prisoners. I was just begining to send out many pairtys, fynding the rebels becom seur and the contry so quyet in all apearance, I sent out a pairty with my tutor Labe three nights agoe. The first night he tuke Drumbui and on Mkclellen and that great villain Mkclogr the smith at Menegaff that made all the clikys and after whom the forces has troted so often, it cost me both paines and mony to knou hou to fynd him. I am resolved to hang him for it is necessary I make som exemple of severity least rebellion be thoght cheap here, there can not be alyve a mor wiked fellow. . . ."¹

believe that things are come that length yet. I am sure there is not the least appearance here as yet ; and if anything give them courage, it will be the retiring of the forces. I think it is very just we should be *on our guard*, and I am resolved to keep closer, though I should lose the moveables and take few prisoners. I am just beginning to send out many parties finding the rebels become secure and the country so quiet in all appearance. I sent out a party with my [*brothr Dave ?*] three nights ago. The first night he took *Drumbui* and one *Inkclellan* and that great villain M'Clorg, the smith at Minnigaff that made all the *clikys*, and after whom the forces have trotted so often. It cost me both pains and money to know how to find him ; I am resolved to hang him ; for it is necessary I make some example of severity least rebellion be thought *cheap* here. There cannot be alive a more wicked fellow. . . ."²

In the present collection the letters are printed exactly as they are written in the original, without modernising the spelling. Readers are thus enabled to form an opinion for themselves on the charges of illiterateness alleged against Dundee by the two eminent writers referred to.

¹ Original at Drumlanrig.

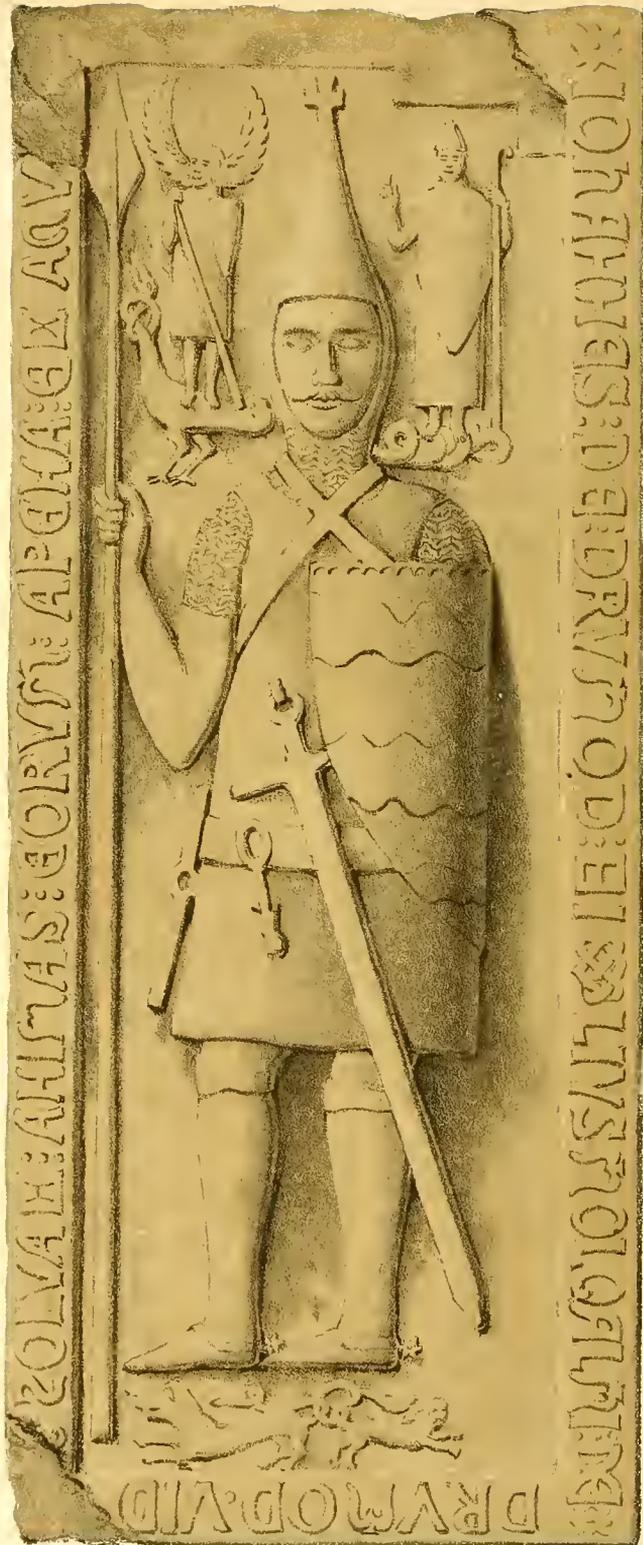
² Memoirs of Dundee, vol. ii. p. 270.

II.—EARLY CONNECTION OF THE DRUMMONDS WITH MENTEITH
AND THE
ARMORIAL BEARINGS OF THE EARLS OF MENTEITH
AND THE DRUMMONDS.

LONG anterior to their present connection with Menteith, the Drummond family were associated with that earldom. They held various lands in the territory of Menteith under the Earls of Menteith as their feudal superiors. In the collection of charters printed in this work, there is one by Murdach Earl of Menteith, son of Earl Alexander, without date, but probably made about the year 1330, in favour of Gilbert of Drummond, of the lands of Boquhapple, in the earldom of Menteith, which were to be held by him of the Earl for homage and service. The charter contains very special provisions as to the holding and succession of the lands. It is provided that if Gilbert of Drummond should predecease Matilda his spouse, the latter was to enjoy the lands for her life, and if Gilbert should die without sons, the lands, after the decease of Matilda, were to be inherited by Ellen, the daughter of Gilbert, and her sons; and failing Ellen, then her sisters Elizabeth, Johanna, and Annabella, and their sons, should successively inherit the lands; and failing all of them, then the heirs of Gilbert of Drummond. That charter was witnessed chiefly by Menteiths and Drummonds.¹

The late Mr. Henry Drummond, in his History of the Drummond Family, states that Gilbert Drummond was the second son of Sir Malcolm

¹ Vol. ii. of this work, p. 227.



EFFIGY OF SIR JOHN DRUMMOND,
 IN THE PRIORY OF INCHMAHOME.

Drummond, and that Gilbert received from his father a grant of the barony of Boquhapple, which had been granted to his ancestor by Murdoch Earl of Menteith, who lived in the reign of David the First. But Mr. Drummond has obviously mistaken the date of the grant of Boquhapple, when he describes it as having been made in the reign of King David the First, instead of in that of King David the Second, which makes a difference of fully two centuries.

Sir John Drummond, the elder brother of Gilbert Drummond of Boquhapple, appears to have been a liberal benefactor to the Priory of Inchmahome. Amongst the lands which belonged to the Priory was Cardross in Menteith, which tradition says was granted by Sir John or his father to the Priory. Two of the four chapels which were dependent on the Priory stood on the lands of the Drummonds. The chapel at Chapel-roch, which was dedicated to the Virgin, was in the barony of Drummond, and the ruins of it were standing so late as the year 1724. The chapel of Boquhapple was on the property of the Drummonds. These chapels show the close connection of the family with the Priory of Inchmahome, in which is the first known burial-place of the Drummonds. Sir John Drummond, who is said to have died about the year 1300, was buried near the high altar, and a flat tombstone which was placed over his grave is still in tolerable preservation. A drawing of the effigy of Sir John in armour, and of the inscription as carved on the stone, are here given. It represents in indented lines a warrior, accompanied by the tutelary Saint Colmocus, with Saint Michael and the dragon; in the right hand of the warrior is a long spear, on his left side a sword, and on his left arm is placed his shield with the well-known armorial bearings of the bars wavy, which is the earliest instance of these having been borne by a Drummond. Around the edges of the stone is the following legend in elevated letters :--

*Johannes de Drbmod filius Malqalmi de Drbmod : vid. . . . solbat animas
corum a pena et acb . . .*

[John of Drummond, son of Malcolm of Drummond: his widow that she might loose their souls from punishment and the sting, etc.]

This stone shows that the Priory was dedicated to St. Michael and St. Colmoe, whose figures are represented. St. Michael's fair or festival was formerly held on the shores of the lake, near to the parish church of Port-of-Menteith, and was discontinued only within the memory of persons still alive.

Another and earlier connection between the Drummond family and Menteith appears incidentally from certain documents relating to Sir Edmund Hastings, the second husband of Lady Isabella Comyn, only daughter of Walter Comyn, Earl of Menteith, and Isabella Countess of Menteith his wife. The history of Countess Isabella and her husband will be given in a subsequent chapter, but it may be in part conveniently anticipated here. Sir Edmund Hastings was the younger brother of John Hastings, Baron of Abergavenny, one of the competitors for the Crown of Scotland after the death of King Alexander the Third. John Hastings opposed the claims of Bruce and Baliol, and claimed the Crown for himself, and in this he was assisted by his brother, Sir Edmund; but after the settlement by King Edward the First in favour of Baliol, the two Hastings brothers appear to have acted with the latter. Sir Edmund Hastings had by this time, through his marriage with Lady Isabella Comyn, become proprietor of that portion of the earldom of Menteith which was adjudged to that lady. His residence at Menteith brought him into contact with his neighbour John of Drummond, and when at the battle of Dunbar the latter had the misfortune to fall into the hands of King Edward the First, Sir Edmund Hastings, in order to obtain his release, became surety for him. John of Drummond had been incarcerated in the

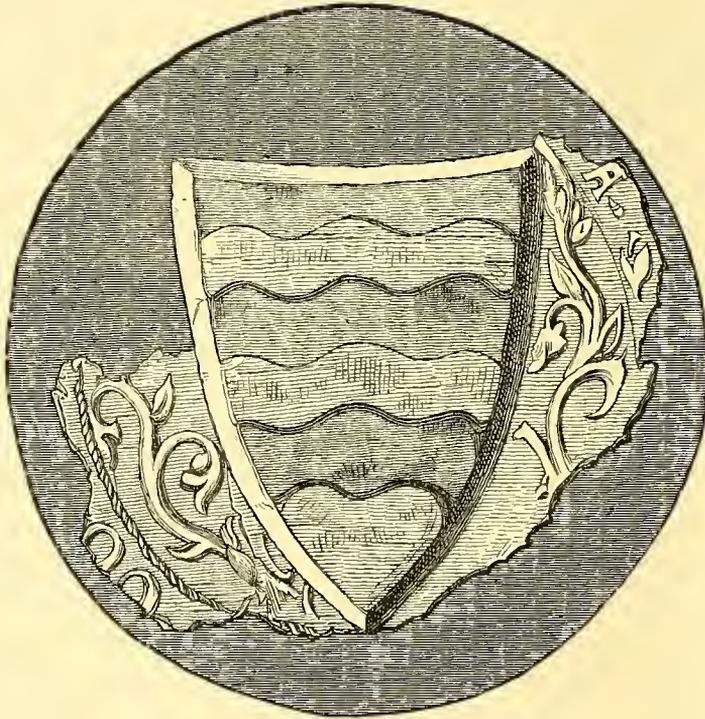
castle of Wisbeach in England, but on Sir Edmund Hastings offering himself as security, and on the further condition that he would accompany King Edward to France, he was set at liberty. The writ for his liberation is dated in the month of August 1297.¹

Another alleged connection between the Drummonds and Menteith in the year 1301 calls for a more detailed explanation, as it necessitated a more searching investigation into the facts. Sir Edmund Hastings having married Lady Isabella Comyn, after the death of William Comyn, her first husband, was in her right legally entitled to that portion of the earldom of Menteith which was awarded to the Comyns through their descent from Isabella Countess of Menteith, the elder sister of Mary Countess of Menteith.

After his marriage with Lady Isabella Comyn, Sir Edmund Hastings was one of the Barons of England who addressed the famous letter to Pope Boniface in the year 1301. That letter is still preserved in duplicate in the Public Record Office, London. These duplicates were formerly preserved in the Treasury of the Receipt of the Exchequer, Westminster, from which they were removed to the new Public Record Office after it was built. From a recent personal inspection of these duplicates of the letter and the seals, as well as of drawings which were made of the seals by Augustus Vincent, Windsor Herald, in 1624, and by John Bradshaw, Windsor Herald, in 1629, the writer is enabled to give an explanation of the present state of the original seals appended to the letter, as well as of the several drawings which have been made of them officially, and which were published by the Society of Antiquaries, London, in 1729. The collection of seals appended to the letter as a whole is perhaps the finest ever appended to any single document. Though now nearly six hundred years old, the greater number of the seals are still in excellent preservation, the engraving of them being remarkably fine, and as

¹ Rymer's *Fœdera*, vol. i. p. 872.

a rule uninjured. The duplicate seals of Sir Edmund Hastings are inferior to the others in the quality of the wax, being very soft and friable, while the others are generally very hard. Owing to so many seals being hung upon each silk string attached to the letter, and rubbing against each other, and from all the seals being enclosed in a box without any packing to protect them from



injury, it is not surprising to find the legend on one of the duplicate seals of Edmund Hastings all worn off with the exception of part of two letters at the lower left-hand side, while on the other duplicate mere fragments only of the letters of the legend now remain. These seals have now very much

the appearance of the drawing of one of them given in Mr. Henry Drummond's book on the Drummonds in 1846, an engraving of which is given on the opposite page.

So early as the year 1624, we have evidence that this very valuable collection of armorial seals had attracted the attention of the officers of the College of Arms, and Augustus Vincent, Windsor Herald, a well-known member of the College, made a drawing on vellum of the whole of the seals. These drawings are still preserved as part of the Records of the College of Arms. At the end of his drawings he wrote the following certificate:—
“All these seales were fastened to the said charter or letter with silke strings, with divers seales upon one string, and upon the backe of the writing right over against every labell or string were written the names of those whose seales depended thereon. Copied the 21st of October, anno Domini 1624. —(Signed) AUG. VINCENT, Windesor.”

Augustus Vincent died in 1625, the year following that in which he completed the drawings of the seals. His successor in office as Windsor Herald was John Bradshaw. At the desire of Thomas Earl of Arundel and Surrey, Earl Marshal of England, he, in the month of November 1629, made a new drawing of the seals, and carefully collated them with the originals. The Society of Antiquaries of London in the year 1729 engraved the seals, and also the letter to which they are appended, in a series of six large folio plates, to which is subjoined this docquet—“These plates were drawn and engrav'd from two authentick transcripts (taken from the original) which are now preserv'd in the Herald's Office, London. That original not being now to be found.” The plates were published in the “*Vetusta Monumenta*,” vol. i. London, 1747.

In Plate D of the plates, the seal of Edmund Hastings is given, containing the bars wavy of six, with ornamental foliage on either side of the shield,

and a lizard at the top, which is not an uncommon device either at the top or the side in other seals of the same period. The legend around the seal is also given :—

“S. Edmudi. Hasting. Comitatu. Menetci.”

A drawing of the seal is here given exactly as in that plate.



At a long interval after the publication of the seals in 1747, another learned antiquary, Sir Nicholas Harris Nicolas, made a critical examination of the whole of the seals, and his valuable report was given in the form of a letter to Sir Henry Ellis, secretary of the Society of Antiquaries of London, dated 15th April 1825. The letter is printed in the *Archæologia* of that Society, vol. xxi. pp. 192-231. Sir Harris deals in succession with each of these important seals and their legends, and he describes the seal of Edmund de Hastings, Lord of Enchinchelmok, as

containing a shield charged with barry of six, wavy, which is inscribed, "S. Edmwndi . Hasting . Comitatu . Menetei," but adds that the legend is now very imperfect.

It is thus proved by the drawings of the seal in 1624 and 1629, the engravings by the Society of Antiquaries in 1729, their publication in 1747, and the inspection and report of Sir Harris Nicolas in 1825, that the seal of Edmund Hastings contained the legend now quoted up to that comparatively recent date. Mr. Drummond in giving an engraving of the seal as at the date of his work in 1846, by which time the legend was almost entirely rubbed off, assumed from the bars wavy that it was a purely Drummond seal. He apparently overlooked the fact that both duplicates of the seal originally contained a very distinct legend that it was the seal of Edmund Hastings and of the earldom of Menteith.

There is yet a further explanation to be given with reference to this remarkable seal. In the body of the letter Edmund Hastings is named and designated "Edmundus de Hasting, Dominus de Enchimeholmok." Sir Harris Nicolas, in his remarks on the seals attached to the letter to the Pope, says that it is impossible to explain the cause of the coat on the seal of six bars, being so materially at variance with that which is assigned to him. The place of which he describes himself was probably St. David's in Wales, in which province he had large possessions.¹

Sir Harris Nicolas was puzzled with the long-sounding designation of Enchimeholmok, and even if he could have disposed of it by placing it in Wales, as he suggested, he did not account for the legend bearing that the seal was that of the earldom of Menteith. The designation in the body of the letter, which clearly relates to Inchemacolmoc or Inchmahome, and the legend originally on the seal, appear to be conclusive that Sir Edmund

¹ *Archæologia*, vol. xxi. pp. 192-231.

Hastings was using a territorial designation and an armorial seal applicable to the property of his wife Isabella Comyn, who was at the time in possession of that portion of the earldom which was adjudged to her as the daughter of the elder co-heiress. The armorial bearings of the original Earls of Menteith are stated by Mr. Riddell to be unknown, although he throws out a hint that the Hastings seal may contain them. But this was only indicated in the form of a query, and not followed out to any conclusion. Mr. Henry Drummond, on the other hand, is mistaken in making it a purely Drummond seal, as such a supposition is a plain contradiction to the seal itself. The bars wavy are no doubt the well-known cognisance of the Drummonds. But as the legend originally on the seal declared it to be that of the earldom of Menteith, it could not be the seal of any Drummond. A Drummond might have borne the same or similar armorial charges, but no Drummond could encircle his seal with the legend that it was the seal of the earldom of Menteith, as no Drummond was ever in actual possession of, or even claimed any legal right to that earldom. The seal now noticed is clearly that of Edmund Hastings in right of his wife, and it shows that her arms, as heiress of Menteith, were barry of six, wavy. As the Drummonds were vassals of the Earls of Menteith from an early period, it is probable that they had adopted the arms of their feudal superiors. This seal thus affords evidence, which has long been desiderated, of the armorial bearings of the Menteith Earls of Menteith, and also as to the true origin of the Drummond arms.

In granting or adopting arms it was usual to give or take some marks to show the distinguishing characteristic of the district or family, and it was very appropriate for the original Earls of Menteith to assume as their arms three bars wavy, in reference to three rivers which formed distinguishing features in the earldom. The rivers Teith and Forth rise in and wind through

the district for many miles, and the river Allan also flows through a portion of Menteith to join the Forth. These three well-known rivers form peculiar features of Menteith, and one of them, the Teith, gives name to the entire district, from which the name of the earldom itself was derived.

From an early period the Earls of Menteith were owners of Knapdale in the county of Argyll, and of Arran in the Isle of Bute. In the reigns of King David the First (1124-1153), and again of King William the Lion (1165-1214), the Earl of Menteith was appointed to have jurisdiction over Kintyre and Cowal.¹ In a charter by John of Menteith to Gillespie Campbell of Lochow, dated 29th November 1353, the granter is designated Lord of Knapdale and of Arran.² Knapdale is connected with a part of the ocean in which waves rise to a great height, as well as produce a great noise. Mr. Archibald Campbell, minister of the parish of North Knapdale in 1793, gives a very graphic account of the fury of the sea at Knapdale. He says, "Between the islands and the mainland the tide runs with a velocity incredible to a stranger. Between Jura and Scarba the space is about one mile over. In this narrow strait three currents, formed by the islands and mainland, meet a fourth, which sets in from the ocean; the conflux is dreadful, and spurns all description: even the genius of Milton could not paint the horror of the scene. At the distance of twelve miles a most dreadful noise, as if all the infernal powers had been let loose, is heard. By the conflict of these inanimate heroes, who will not yield, though fighting twice a day since the foundation of the world, an eddy is formed which would swallow up the largest ship of the line. But at full tide these combatants take a little rest, and when they are asleep the smallest bark may pass with impunity. This gulf is called Coryvreckan."³

¹ Acts of the Parliaments of Scotland, vol. i. p. 372.

² Vol. ii. of this work, p. 235.

³ Statistical Account of Scotland, 1793, vol. vi. p. 260.

Besides Knapdale and Arran, the Earls of Menteith were owners of lands in Kiutyre and Cowal. These two districts were dependent upon the earldom of Menteith before the district of Argyll was erected into a sheriffdom. The Campbells of Argyll acquired the barony of Kilmun and other lands in Cowal from Mary Countess of Menteith, the daughter and heiress of Alan Earl of Menteith. Two charters granted by her to her beloved cousin Archibald Campbell, son of Sir Colin Campbell of Lochow, without date, but probably granted about the year 1360, and not now known to exist, are described as part of the Argyll Muniments in the year 1700; and on the 4th of May 1407, Robert Duke of Albany, as Earl of Menteith, granted a charter to Colin Campbell of Lochow of the lands of Strathackie in Cowal, which were held of the Earls of Menteith as superiors. These charters show that the Earls of Menteith owned lands in Kintyre and Cowal which were also surrounded by the sea, as well as in Knapdale and Arran.

Those families who are connected with islands generally have in their armorial bearings a token of such connection. The Lords of the Isles, the Lords of Lorne, the Earls of Orkney and Caithness, all bear galleys on their shields, betokening their close connection with the ocean and islands. In the Heraldic ms. of Sir David Lindsay, Lyon, in 1542, the arms of Menteith of Carse, descended from the Earls of Menteith, contain in the second and third quarters a lymphad sable, evidently in allusion to the ancient Menteith inheritances of Knapdale and Arran. Even as late as the seventeenth century the lymphad was taken as a crest by a Menteith cadet.

As other great territorial magnates assumed armorial bearings with special reference to distinguishing features of their territories, it is reasonable to infer that the Menteith Earls of Menteith followed the prevailing practice, and assumed the bars wavy in reference both to the rivers and lakes in their Lowland possessions, and to the ocean waves around their Highland territories.

In the neighbouring earldoms of Lennox and Strathern, and in the other great earldoms of Scotland, it was a frequent practice of the feudal vassals to assume the armorial bearings of their superiors with proper differences, and there is no reason to doubt that in the earldom of Menteith the same practice obtained. Owing to the brief and very early period during which the original or Menteith Earls of Menteith flourished, instances of the practice within Menteith have not hitherto been traced. But the seal of Edmund Hastings, bearing the legend of the earldom of Menteith, which we have just described, is of itself sufficient evidence that the bars wavy were the proper arms of that earldom, and that the Drummonds, as the feudal vassals of the Earls of Menteith, according to a very common practice in other earldoms, adopted similar arms. This is a simple and natural explanation of the origin of the Drummond arms, and is better authenticated than the alleged grant of bars wavy to the apocryphal Prince of Hungary as the captain of the vessel which brought the Princess Margaret to Scotland in the time of King Malcolm Canmore.

In corroboration of this opinion, reference may be made to the seal of Alexander, sixth Earl of Menteith, about the year 1296. He was the eldest son of Walter Stewart, Earl of Menteith, and Mary his Countess. The seal of Earl Alexander is described as a shield charged with a fess invected surmounted by another fess chequé (Laing's *Scottish Seals*, vol. i. p. 129). The supposed invected fess is in reality three bars wavy, representing the arms of the mother, while the fess chequé surmounting them is the armorial bearing of the father of Alexander.

The suggestion now made for the first time as to the origin of the Drummond arms will be corroborated by an inquiry into the origin of the Drummond family.

III.—THE ORIGIN OF THE DRUMMONDS, AND
THEIR ROYAL ALLIANCES.

THE Drummond family have been amply provided with historians, the Honourable William Drummond, first Viscount of Strathallan, Mr. David Malcolm, and Mr. Henry Drummond, having in succession devoted themselves to the subject. These authors were all men of learning, and their works contain valuable information regarding this distinguished house; but their histories are all equally unfortunate in ascribing to the family what must be considered an apocryphal origin. So bent were these writers on establishing the alleged descent from Maurice, the Hungarian gentleman or prince as he came to be called, that they overlooked a true royal alliance of the house of Drummond with a King of Scotland; for instead of furnishing one Scottish Queen, the family produced two, Margaret and Annabella Drummond, the respective Queens of King David Bruce and King Robert the Third.

Lord Strathallan's history was written in the year 1681, and remained in manuscript till the year 1831, when one hundred copies were printed in quarto form for private circulation. In the preface to the printed work it is explained by the editor, that the author enjoyed the best advantages for the prosecution of his labours, not only in obtaining the use of the several accounts drawn up by previous writers, but in having free access to original papers, and to every other source of information regarding the collateral branches of a family to which he himself was nearly related, and of which he became so distinguished an ornament.

On the title-page of his work Lord Strathallan professes to have given a

true account of the original extraction, deduced from the first of the name of Drummond, "ane Hungarian gentleman," and describes himself, not by his own name, but as "a friend to virtue and the family." He states that Edgar Atheling, heir to the crown of England, on the Norman conquest of England in 1066, being apprehensive of danger to himself, took shipping with his mother Agatha and his two sisters, Margaret and Christiana, to escape to Hungary; but they were driven by a storm to land upon the north side of the Firth of Forth, in a harbour near to Queensferry, since called St. Margaret's Hope, from the name of Prince Edgar's sister Margaret. The royal refugees were carried to the neighbouring Court of King Malcolm Canmore at Dunfermline, where Malcolm and Margaret were soon afterwards married. In the train of the English royal family, it is alleged, there was a Hungarian, who was noticed for his skilful conduct of the vessel in the dangerous sea voyage. He was rewarded by King Malcolm with lands, offices, a coat-of-arms, and called Drummond; "and so it seems this Hungarian gentleman got his name either from the office, as being captaine, director, or admiral to Prince Edgar and his company, for Dromont or Dromond in divers nationes was the name of a ship of a swift course, and the captaine thereof was called Dromont or Dromoner. . . ."¹

The author being uncertain of his position, adds an alternative in these terms: "Or otherwayes the occasion of the name was from the tempest they endured at sea; for Drummond, *υδωρ mont*, made up of the compound *υδωρ* and *mont*, signifying high hills of waters; or Drummond from Drum, which in our ancient language is a height, and in Latin, *Dorsum*, a rigging or back, and *und* or *ond*, from the Latin *unda* a wave; and to this the bars called *unds*, as they are blazoned in the Drummond armes, not only agrees, but retainne ane exact resemblance."²

¹ House of Drummond, p. 14.

² *Ibid.* p. 15.

The author further states that the first lands given to that Hungarian by King Malcolm Canmore lay in Dumbartonshire, and included the parish of Drummond in Lennox, which can be instructed, he says, "by old wryttes yet extant." "These wryttes," he remarks, "were extant in 1680, but were lost when Drummond Castle was besieged by the rebels under Cromwell and demolished in 1689."¹ The Hungarian Drummond, it is added, was also made heritable Thane of Lennox, and was killed at the battle of Alnwick. Lord Strathallan remarks that, "It is very probable this Hungarian Drummond's proper name was Maurice, albeit some say John, for it is originally a Dutch name, and wrytten Mauritz. . . . But the records of that, as also whom he married, and what children he left, are inlackeing, and thereby the names of the two heads of the family who immediately followed him are not so certaine as the rest of the generations."² The earliest genealogist of the Drummonds, and himself a member of the family, thus fixes their founder as a Hungarian gentleman of the name of Maurice or John.

Lord Strathallan quotes a letter which was written by David, second Lord Drummond, in the year 1519, to a gentleman in Madeira, who, after his immediate ancestors had assumed another surname, adopted that of Drummond.³ Lord Drummond obtained a birth-brief from the Privy Council of Scotland, in which and in his letter the tradition of the descent from the Hungarian is set forth. Lord Drummond was then in his minority. Lord Strathallan says he was "very young,"⁴ and his own testimony could not be of much value, as his father and grandfather both died young men, and never inherited the dignity of Lord Drummond. Colin Earl of Argyll, who was asked to sign the birth-brief, declined to do so, on the twofold

¹ Lord Strathallan's chronology is here at fault in attributing these proceedings to Cromwell long after his death.

² House of Drummond, pp. 18, 19.

³ *Ibid.* pp. 93, 21, 25, 26.

⁴ *Ibid.* p. 169.

ground that he denied the accuracy of the alleged Hungarian descent, and maintained that the Drummonds were descended from his own house.

Mr. Malcolm, in his *History of the Drummonds*, follows the previous history of Lord Strathallan as to the Hungarian gentleman, but in addition advances him to the position of a royal Prince of Hungary, as the son of George, a younger son of Andrew King of Hungary. Mr. Malcolm also excels Lord Strathallan by finding a wife for Maurice, who, he says, as a mark of Queen Margaret's esteem, received in marriage one of her maids-of-honour, and from their children all the families of Drummond are descended,¹ as he proceeds to show generation by generation.

Lord Strathallan and Mr. Malcolm also agree in their histories when they state that contemporary with Maurice Drummond was Walter, first Lord High Steward of Scotland, the son of Fleance, son of Banquo, Thane of Lochaber. This fabulous origin of the Stewart family was long believed even more firmly than the existence of the royal Hungarian Drummond, till finally exploded in recent times. No writer would now think of quoting Fleance and Banquo as the ancestors of the Stewarts.

The third and latest historian of the Drummonds was Mr. Henry Drummond. He was a distinguished member of the house, and his splendidly illustrated work on the family, which forms a portion of his book of "Noble British Families," is a monument of his liberality and taste.² Mr. Drummond follows the two previous authors in ascribing the origin of the family to Maurice, whose pedigree he deduces as a Prince of Hungary, being, as Mr. Drummond says, son of George, youngest son of Andrew, King of Hungary, and his Queen Agmunda. The mother of Maurice was called Agatha, daughter to Gundolf, Baron of Podiebradie, in Bavaria.

¹ Malcolm's *History*, p. 13.

account of each family included in his great

² Mr. Drummond told the author that the

work cost him £1000.

Each succeeding history improves upon the original tradition of the descent from the Hungarian Prince. But the writers were all unable to quote a single authentic proof of the existence of Maurice, the royal Hungarian, who in reality is a mere myth. Lord Strathallan calls him a Hungarian gentleman, Mr. Malcolm raises him to a Prince, and Mr. Henry Drummond gives his royal pedigree in Hungary for many generations anterior to his coming to Scotland in 1066.¹

A much simpler and more probably authentic explanation of the origin of the family name of Drummond is afforded by the features of the country in which we find the earliest persons of the name. The word Drummond, Drymen, or Drummin, is used as a local name in several counties of Scotland, as in Aberdeen, Banff, Elgin, Forfar, Inverness, Perth, and Ross. All these places, as well as the barony of Drummond or Drymen in the county of Stirling, which originally was a portion of the Lennox or Dumbartonshire, have doubtless been named, their geographical character being similar in each locality, from the Celtic word *Druim*, a ridge or knoll.

Among those who lived at the period when surnames were being adopted, in the twelfth and thirteenth centuries, was one Malcolm of Drummond, called also, as appears in the Cartulary of Lennox, Malcolm Beg, or Little

¹ A recent writer on the connection of the Drummonds with Menteith gives a splendid climax to the Hungarian hero, who is also called the young "Hanoverian," and to his naval exploit. After describing very minutely three waves, and three exactly, of a peculiarly rolling and hissing kind, the writer adds:—"The frail bark creaked from stem to stern and drifted fast ashore. He sprang amid the angry tide, and was rolled ashore; and with the grasp of despair, clutching the rock, and

dragging himself up on to the crags, he landed England's Princess and Scotland's Queen safe on land. He took the three waves for his coat-of-arms." The earliest historians of the Drummonds were proud that the Hungarian had saved the Princess Margaret from shipwreck by his nautical skill. But the later writer adds to an actual shipwreck the horrors of a narrow escape from drowning of the Princess by three "hissing" waves, which became historic and heraldic.

Malcolm. He and a brother named Gilbert appear as witnesses to the charters of Maldouen, third Earl of Lennox, from 1225 to 1270. But Malcolm of Drummond, as we also learn from the same Cartulary, was simply a chamberlain to the Earl of Lennox, who had many officers in his earldom, including the "Judex de Levenax," the "Coronator," the "Tosheagor" or "Toshashdaroch," the "Camerarius," the "Senescallus," and the "Bacularius," the last three corresponding to the chamberlain, steward, and usher.

Quoting an old genealogical work, Mr. Henry Drummond shows that none of the Hungarians and English who accompanied Queen Margaret received grants of land so extensive as those conferred on Prince Maurice. Mr. Drummond speaks of this conduct in a King so prudent and wary as Malcolm Canmore, as only to be accounted for by the relationship of Maurice to the Queen, and his superior rank to that of the other settlers. Mr. Drummond also states that Maurice was made hereditary Thane or Seneschal of Lennox, and that his estates reached from the shores of the Gareloch in Argyllshire across the counties of Dumbarton and Stirling into Perthshire. They consisted of the parish of Drymen, Roseneath, Cardross, Auchindon, Muithlaw, Kippen, Causlie, and Finwick in Lennox, and Finlarick in Breadalbane.

When these statements are tested by actual facts, as disclosed by charters, their error is very apparent. There is no evidence of any kind that any one of the family of Drummond ever held the office of Thane of Lennox. The first legal evidence on record refers to Malcolm Drummond Beg as Chamberlain of Lennox. The only piece of evidence in this connection worthy of consideration, quoted by Mr. Drummond, is a charter printed in the Cartulary of Lennox. In this charter, Robert Earl of Fife and Menteith, in the year 1400, confers upon Duncan Earl of Lennox the office of Coronator of the Lennox, which office heritably belonged "ad dominum de Drummonde."

Mr. Drummond quotes this as a proof that his ancestors were heritable coronators of the Lennox. But the charter only proves that the office belonged to the Laird of Drummond previous to 1400 ; it does not show who the Laird of Drummond was, and he certainly was not the ancestor of the Lords Drummond, because at that date, 1400, they were not Lairds of Drummond, nor had they any connection with the lands of that name in the Lennox, for nearly a century afterwards.

This is proved from the most authentic sources, for whatever other writs were lost in Drummond Castle as alleged, those relating to the lands and barony of Drummond or Drymen have been preserved ; and from the detail which follows, it will be seen that instead of Prince Maurice of Hungary receiving these lands from King Malcolm Canmore in 1070, as tradition states, the lands belonged to the Crown previous to the year 1489, when for the first time they were let on lease to John, first Lord Drummond, and afterwards granted to him in feu-farm. They were only held by his successors until the year 1630, and thus were in the Drummond family for less than a century and a half.

Before treating of these charters in detail, it may be well to recur to the suggestion that the family name of Drummond arose from its earliest members being resident on, or in possession of, lands bearing that name. Here, again, however, there is no authentic proof of the alleged royal descent of the house. Instead of Prince Maurice the Hungarian and his descendants enjoying for many generations the possession of the thanedom of the Lennox, including the lands of Drymen, the earliest charter to the family of any lands bearing a similar name, is a charter in 1362, by Robert Steward of Scotland, Earl of Strathern, to Maurice of Drummond, of the dominical lands or mains of Drommane and Tulychravin, in the earldom of Strathern.¹

¹ Original at Drummond Castle.

Maurice Drummond was only a younger son of the house of Drummond, and it is doubtful if he ever entered into possession of these lands, since in 1380 we find the secretary of the Earl of Strathern rendering an account for the earldom to the Crown, in which he debits himself with rents received from Maurice of Drummond of the lands of Freden, "Gaske comitis," Blarenarow, and Glenlechnarne,¹ while no mention is made of the Mains of Drommane and Tulychraivin, or any other lands in the earldom as pertaining to him. But whether Maurice of Drummond then entered into possession or not, it is clear from the description of the lands that they did not belong to the family of Drummond previous to the grant of 1362, but were part of the possessions of the Earl of Strathern, who, in the charter of that date, calls them his lands—"nostras terras," and they were then gifted by him for the first time to Maurice of Drummond.

Following out the connection between the family of Drummond and the lands and barony of that name in the Lennox, it is found to be so different from the traditional account as to be worth stating in some detail, as deduced from the original charters still preserved.

It is true that Maurice of Drummond, as stated, had an early charter of lands called Drommane or Drymen and Tullichraivin; but independently of the want of evidence as to his actual possession of them, it is to be noted that they are wholly distinct from the lands and lordship of Drummond afterwards acquired. The history of the latter is as follows:—

In the years 1451 and 1486, the lands of Drummond, as part of the earldom of Menteith, are entered in the Exchequer Rolls as the property respectively of King James the Second and King James the Third, and the rent of £40 was accounted for them and paid into the Exchequer. During the wars between the last-named sovereign and his son the Prince of Scot-

¹ Exchequer Rolls of Scotland, vol. iii. p. 36.

land, afterwards King James the Fourth, he made a grant of the lands of Drummond and Duchray, in 1488, to Alexander Lord Kilmaurs, who was also in the grant created Earl of Glencairn. Although John Lord Drummond, who was previously known as of Cargill, and had his residence at Stobhall, received his peerage from James the Third in the year 1487, just before the commencement of the war, he did not hesitate to join the party of the Prince, and rendered him valuable services in the struggle. In the year following the accession of King James the Fourth to the throne, he granted a lease, on 6th June 1489, in favour of John Lord Drummond, of the crown lands of Drummond, in the shire of Stirling, the grant to the Earl of Glencairn having been annulled shortly before. It is stated in the lease that the lands had been formerly possessed by the deceased Andrew Lord Avandale, and Alexander Stewart of Avandale. The lease was to endure for five years, and Lord Drummond was to use the office of bailiary in all things pertaining to the lands.¹

On the expiration of that lease, King James the Fourth made a perpetual grant of the lands to John Lord Drummond, by a charter under the Great Seal, dated 31st January 1495. The charter bears that the grant was made for the good and faithful services rendered by Lord Drummond, and for the love and favour which the King had for him. The lands are described as the lands and lordship of Drummond, with the woods of the same, situated in the lordship of Menteith and sheriffdom of Stirling. The lands were to be held in free barony and forestry.² After attaining the age of twenty-five years, King James the Fourth granted a new charter to Lord Drummond of the lands and barony of Drummond, to be held in free barony and forestry.³

Although no castle or chief messuage is mentioned in these grants, it

¹ Original Lease at Buchanan.

² Original Charter at Drummond Castle.

³ Original Charter at Drummond Castle.

appears from the infestment which followed upon them that such a place then existed, as the instrument of infestment bears that the Sheriff of Stirling appeared at the principal or capital message of Drummond, and there gave sasine to Lord Drummond.¹

The love and favour which the King bore to Lord Drummond, as expressed in the charter, was not confined to his Lordship, but extended to his eldest daughter, Margaret Drummond, who, it is said by the family historian, under a promise of marriage, had a daughter to the King, called Margaret Stewart. It appears from the accounts of the High Treasurer that the King was a visitor at Drymen, and that Lord Drummond made presents of roe-deer to his Majesty. According to the family historians, the King wished to marry Margaret Drummond; and if that marriage had been celebrated, the family would have had the honour of furnishing three Queens to the Kings of Scotland, as they had previously given two. Objections, however, against the marriage were raised by the nobility, who desired a union with a daughter of the King of England, to procure peace between the two nations, and by the clergy, who considered that the marriage would be unlawful, being within the forbidden degrees. The tragic end of Margaret Drummond and her two sisters, Lilius and Sybilla, is told in the history of the family, all the three having been supposed to be victims of poison.

John, first Lord Drummond, survived to an advanced age. His son and grandson both predeceased him, and he was succeeded in his lands of Drummond by his great-grandson, David, second Lord, who obtained a precept from King James the Fifth for infesting him in the lordship of Drummond on 22d September 1525.²

Before infestment was expedite on that precept, a difficulty was raised as

¹ Sasine at Drummond Castle. The castle on Drummond was called Drumwhastle, or Drumnacaistal, the Ridge of the Castle.

² Precept at Drummond Castle.

to the right of David, second Lord Drummond, to succeed to John, the first Lord, on the ground that the latter had been forfeited, in the year 1515, for using personal violence to Sir William Cumyng of Inverallochy, knight, then Lyon King-of-Arms. The encounter between Lord Drummond and the Lyon is thus described in the History of the Drummonds by Lord Strathallan:—

“ John Lord Drummond was a great promoter of the match betwixt his own grandchild, Archibald Earle of Angus, and the widdow Queen of King James the Fourth, Margaret Teudores; for he caused his own brother, Master Walter Drummond’s sone, Mr. John Drummond, Dean of Dunblane and person of Kinnowl, solemnise the matrimonial bond in the Kirk of Kinnowl in the year 1514. Bot this marriage begot such jealousie in the rulers of the State, that the Earle of Angus was cited to appear before the Councel, and Sir William Cummin of Inverallochy, knight, Lyon King-at-Armes, appointed to deliver the charge; in doing whereof he seemed to the Lord Drummond to have approached the Earle with more boldness than discretion, for which he gave the Lyon a box on the ear; whereof he complained to John Duke of Albany, then newly made Governor to King James the Fifth, and the Governor, to give ane example of his justice at his first entry to his new office, caused imprison the Lord Drummond’s person in the Castle of Blackness, and forfault his estate to the Crown for his rashness. Bot the Duke, considering after information what a fyne man the Lord was, and how strongly allyed with most of the great families in the nation, was well pleased that the Queen-mother and Three Estates of Parliament should interceed for him; so he was soone restored to his libbertie and fortune.”¹

After granting the precept of 22d September 1525, negotiations seem to have been entered into between King James the Fifth and David Lord Drummond with reference to the forfeiture of John, first Lord Drummond;

¹ History of the House of Drummond, pp. 135-6.

and on the 5th of January 1535, the King entered into an obligation to infeft Lord Drummond in all the lands which had belonged to his great-grandfather, John, the first Lord.

The obligation by the King narrates that the lands of Lord Drummond were in the King's hands by reason of escheat and forfeiture through the accusation made against John Lord Drummond for the treasonable and violent putting of hands on the King's officer, then called Lyon King-of-Arms, and other points of treason then imputed to him, when he put himself in the will of John Duke of Albany, then governor, as the acts and process led in the Parliament of 16th July 1515 at more length bear. The King promised to infeft David Lord Drummond in all the lands, excepting Innerpeffrey, Foirdow, Auclerarder, Dalquhinzie, and Glencoyth, with the patronage of the provostry and chaplainry of Innerpeffry, which were to be given by the King to John Drummond of Innerpeffry, and to the King's sister, Margaret Lady Gordon, his spouse, in conjunct infestment.¹ The obligation contains a provision that David Lord Drummond shall marry and have to wife Margaret Stewart,² daughter to the King's sister, Margaret Lady Gordon, and infeft her in the lands and barony of Cargill. It also contains other provisions, and is dated at Stirling Castle, 5th January 1535.³

Two months thereafter, on 5th March 1535, the King subscribed a signature ordaining a charter to be made under the Great Seal in favour of David Lord Drummond, of the lands and lordship of Drummond in the shire of Stirling, extending in the King's rental to £40. The *quaequidem* clause bears that the lands were in the King's hands by reason of escheat and

¹ Lady Gordon was Lady Margaret Stewart, the daughter of King James the Fourth by Margaret Drummond, as before mentioned.

² This Margaret Stewart was daughter of Alexander Stewart, Bishop of Moray (son of

Alexander Duke of Albany), and Lady Margaret Stewart, formerly Lady Gordon, his spouse. The marriage arranged was afterwards celebrated with Lord Drummond.

³ Original at Drummond Castle.

forfeiture through accusation made against the late John Lord Drummond for the treasonable and violent putting of hands on the deceased William Cumyng of Inverallochy, knight, then Lyon King-of-Arms, for which Lord Drummond was forfeited on 16th July 1515.¹ In this signature appear also for the first time in a Crown grant the lands of Blanrowar and Glenlithorne before mentioned, as in the possession of Maurice of Drummond in 1380, and which are described as lying in the stewartry of Strathern and sheriffdom of Perth.

A new signature was granted by King James the Fifth in the year 1541, in favour of David Lord Drummond, for a charter under the Great Seal to him of the lands and barony of Drummond, described as lying in the lordship of Menteith and shire of Stirling. This signature refers to the forfeiture of John, first Lord Drummond, for the alleged striking of the Lyon King-of-Arms, and it declares that his Lordship neither "tint nor forfault" his life nor heritage, chiefly because he was not accused of striking the Lyon, nor doing any violence to him in the execution of his office, and the King thereby ratified the restitution of John Lord Drummond to his lands, dignities, offices, and heritages, made by John Duke of Albany as Governor.²

In this signature, and in the charter of date 25th October 1542 which followed thereon, in which for the first time the possessions of Lord Drummond are united, created, and incorporated into a free barony, "to be callit in all tymes to cum the barony of Drummen," the enumeration of the lands is worthy of notice.

The lands first named in the charter are the forty merk lands of old extent of Ouchterarder, followed in their order by the five-pound land of old extent of *Drummen*, with castle, fortalice, mansion, and manor-place thereof, the lands of Tullychthrawin, and others, while the lands of *Drummond* are described

¹ Original at Drummond Castle.

² *Ibid.*

last as the feu-farm lands and barony of Drummond and others, lying in the lordship of Menteith and shire of Stirling. The principal messuage of the united barony is appointed to be the principal castle, fortalice, and manor of the foresaid lands and barony of Drummen now built or to be built.

The most positive proof of the distinction between the old and new possessions of Drummond in Stirlingshire and Drommane in Strathern, is afforded by the instrument of infeftment narrating the infeftment of David Lord Drummond as heir of his great-grandfather in the lands and barony of Drummond, which instrument bears date 1st and 2d November 1542.¹

This document shows that there were at least two separate infeftments given, the first of the feu-farm lands and barony of *Drummond*, and the lands of Blanrowar and Glenlithorne, by the Sheriff of Stirling; and the second, of the lands and barony of *Drummen*, namely, the five-pound lands of old extent of the lands of *Drummen*, with castle, fortalice, etc., the lands of Tullichrawin and others, by the Sheriff of Perth.

Queen Mary of Guise was provided by King James the Fifth in the lands of Drummond as part of her jointure lands, and she granted, on 22d November 1544, a discharge under her own hand for the feu-duties of these lands, which are there stated to lie within the Queen's lordship of Menteith. On the 5th March 1574, King James the Sixth, with consent of James Earl of Morton as Regent, granted a discharge to Patrick Lord Drummond of the feu-duties of the lands of Drummond, which are stated to lie in the Lennox. That discharge is granted on the narrative that the lands had been for a long time bypast harried by sorners and oppressors, wherethrough Lord Drummond was more superexpended in the defence of the inhabitants of the lands against reivers and oppressors nor the profit thereof had redounded to him or his predecessors for many years bypast. The King therefore authorises the auditors

¹ Original at Drummond Castle.

of the Exchequer to allow in his accounts the feu-maills of the lands of Drummond to the Chamberlain of Menteith, in whose bounds the said lands lie.

Another sasine in favour of James Drummond, son and heir of Patrick Lord Drummond, in the said lands, bears that infeftment was given of the lands of Drummond, on the ground of the same at Chapellaroch, on the 3d, and afterwards of the lands of Auchtermuthil, at the fortalice or castle of Drymen, on the 7th November 1587.

Other distinct proofs might be given from the original charters of the lands, but these are sufficient to show that whatever lands in the Lennox the earlier members of the house of Drummond might have held, such certainly did not comprehend the lands bearing their own name. Further, it is shown that the earliest possession by any member of the family of lands bearing a name resembling Drummond was in the earldom of Strathern, and consisted at the best of lands of comparatively small extent.

The lands of Drummond descended to John, Earl of Perth, who sold them to William, Earl of Strathern and Menteith, by disposition dated 17th November 1631. They are described as the lands and barony of Drummond, *alias* Drymen, with woods, forests, etc., all lying locally and naturally within the parish of Drymen, lordship of Menteith, and shire of Stirling. The Earl of Perth obliged himself to enter the Earl of Strathern and Menteith into the actual possession of the manor-place of Drummond, and to deliver to him the keys thereof, and it is declared to be lawful to the Earl of Strathern, his Countess and others, servants, in their names, to enter to possession of the manor-place of Drummond without any process of ejection.¹

The Earl of Perth also granted a charter to the Earl of Strathern and Menteith of the lands of Drummond or Drymen, with tower, fortalice, and manor-place of the same; and on the procuratory contained in that dispo-

¹ Original Disposition at Drummond Castle.

sition, a charter by King Charles the First was expedite under the Great Seal, in favour of William, Earl of Strathern and Menteith, and Lady Agnes Gray his spouse, of the lands and barony of Drummond or Drymen, in the lordship of Menteith, dated 26th November 1631, and the Earl of Strathern and his Countess were infeft in the barony on 21st February 1632. The instrument bears that infeftment was given at the manor of Drummond, and before the door (*januam*) of the same.

The lands descended to William, the eighth and last Earl of Menteith, from his grandfather, William, Earl of Strathern and Menteith. The eighth Earl entailed them upon James, Marquis of Montrose, and they have since then formed part of the Montrose estates.

The lands of Rosneath, in the shire of Dumbarton, are also claimed as having been granted by King Malcolm Canmore to the alleged Hungarian Prince; but this, like the former statement, is a mistake. The lands of Rosneath were acquired by the Drummond family from the Menteiths, and soon restored. By charter dated 31st March 1372, King Robert the Second confirmed the grant which was made by Mary Countess of Menteith to John of Drummond, of the lands of Rosneath, and also the grant of these lands which Sir John of Drummond, deceased, had made to Sir Alexander Menteith, knight, in terms of an agreement, dated 17th May 1360, as to compensation for the slaughter of Walter, Malcolm, and William Menteiths.¹ The lands of Rosneath were thus only for a short time in possession of the Drummonds, on a title derived from Mary Countess of Menteith.

Lord Strathallan had access to the Drummond Writs, which he frequently quotes to show that Maurice the Hungarian had in property the parish of Drummond in Lennox, and how these lands had been alienated from the possession of the posterity of this Hungarian by his successors. After

¹ Original Agreement at Drummond Castle.

enumerating the gifting of several Drummond possessions, Lord Strathallan adds, "And John Earle of Perth sold his lands of Drummond in Monteith to William Earle of Monteith, but about fifty yeares agoe."¹ This statement implies that these lands had all along been in the possession of the Hungarian Prince and his descendants, while the "old wrytts" referred to by Lord Strathallan prove the comparatively recent acquisition of the lands of Drummond by the first Lord Drummond in 1489.

If the alleged grants of the other lands to Maurice of Hungary were investigated in the same close way that those of Drummond and Rosneath have now been examined, it would no doubt be found that such acquisitions were equally recent. There is no evidence whatever of such a person as Prince Maurice having ever been connected with the lands and barony of Drummond, or with any of the other lands said to have been granted to him, or, indeed, with any part of Scotland.

As already noticed, John, first Lord Drummond, performed important services to King James the Fourth at the time of his succession to his father, King James the Third. After the fatal battle of Sauchieburn, the Earl of Lennox attempted to rally the adherents of the late King; but by an energetic night attack Lord Drummond routed the insurgents, not far from the lands of Drummond. It was very natural that on his creation as a Peer he should wish to have a territorial barony corresponding in name to his dignity. He at first received a lease of the lands of Drummond from King James the Fourth, and on the expiration of the lease, at the end of five years, he obtained a heritable grant of the lands. His family were founding a great Highland Clan, and he no doubt wished that the lands which bore the same name as himself, and his dignity of Drummond, should be erected into a barony in his favour, to give him the position of "The Drummond," or

¹ Drummond History, p. 16.

“Drummond of that Ilk,” which to a chief of a Highland clan was as honourable as the new dignity of a Lord of Parliament. It was about the same time with the acquisition of the lands of Drummond, in the shire of Stirling, that he also acquired from his cadet, Maurice Drummond, the lands of Concraig. In the year 1491, Lord Drummond received from King James the Fourth a licence to build a fortified castle on Concraig. A castle was soon afterwards erected, and in honour of his name and peerage he called it Drummond Castle. The first Lord Drummond died there in 1519, aged upwards of eighty years. The castle still stands, but it is now only partially inhabited. A modern building, called also Drummond Castle, and adjoining the original castle, has long been the mansion-house of the Drummond family.

To return to the first authentic persons of the name of Drummond in relation to the armorial bearings of the family, there is no proof that Malcolm Drummond Beg ever assumed the arms of the Earls of Lennox, as he was only an official and not a feudal vassal under them. His descendants, however, or persons bearing the same name of Drummond, acquired in 1330, the lands of Buchchopill, or Boquhapple, in Menteith, as is shown by a charter by Murdach Earl of Menteith to Gilbert of Drummond.¹ This charter, which is granted for homage and service, shows that the Drummonds thus were or became feudal vassals of the Earls of Menteith, which adds force to the presumption already stated, that having no previous armorial bearings of their own, they adopted, according to the usual practice, the arms of the earldom of Menteith. This circumstance has hitherto escaped observation by the historians of the Drummonds, as much as the other important fact of Margaret Drummond having been the Queen of King David Bruce.

The subject of the armorial bearings of the Drummonds is not here discussed for the first time. The late Mr. John Riddell investigated the

¹ Original at Blair-Drummond; vol. ii. of this work, p. 227.

subject very carefully, and his conclusion is thus stated: As to "the Hungarian or Atheling origin of the arms of Drummond, I need hardly add it is too absurd and fabulous to claim a moment's attention."¹

Although the Drummonds were thus at an early date feudal vassals of the Earls of Menteith, their respective positions in the course of time became changed. The vassals prospered and flourished, while the overlords, by royal jealousies and unjust forfeitures, lost at once both their great influence and extensive territories. The Drummonds, by fortunate alliances with heiresses, and by two royal marriages of ladies of the house, extended their wealth and influence throughout Menteith and Strathern. The descendants of the original Earls of Menteith do not now own an acre of the ancient earldom, while the Drummonds possess large estates within its territory.

As showing the grandeur of the Drummonds, Mr. Henry Drummond says that they have furnished Dukes of Roxburgh, Perth and Melfort, a Marquis of Forth, Earls of Mar,² Perth and Ker, Viscounts Strathallan, Barons Drummond, Inchaffray, Maderty, Cromlix and Stobhall, Knights of the Garter, St. Louis, Golden Fleece, and Thistle, Ambassador, Queen of Scotland, Duchesses of Albany and Athole, Countesses of Menteith, Montrose, Eglinton, Mar, Rothes, Tulibardine, Dunfermline, Roxburgh, Winton, Sutherland, Balcarres, Crawford, Arran, Errol, Marischal, Kinnoul, Hyndford, Effingham, Macquary in France and Castle Blanche in Spain, Baronesses Fleming, Elphinstone, Livingstone, Willoughby, Hervey, Oliphant, Rollo and Kinclaven.

To that long list of distinguished names the author might have added another, Margaret Drummond, sometime Logie, the second Queen of King David Bruce.

¹ Riddell's Peerage Law, 1842, p. 1000, note.

² This is a mistake. Malcolm Drummond was only Lord of Mar, never Earl.

From early times and in various ways, the district of Menteith has been frequently favoured with the presence of the Scottish sovereigns. King Robert the Bruce was at least on three occasions at Inchmahome. After the forfeiture of the earldom by King James the First, he and his immediate successors on the throne made the castle of Doune one of the royal residences, and enjoyed the advantages derived from the acquisition of that portion of the earldom which was permanently reserved to the Crown. Queen Margaret, the wife of King James the Fourth, was provided to the lordship of Menteith as part of her jointure lands. After the death of the King, and after her third marriage to Henry Stewart, Lord Methven, the Queen made the castle of Doune in Menteith one of her residences. Her son, King James the Fifth, during his frequent residences in Stirling Castle, must have made several visits to Menteith as the "Goodman of Ballangeich," and one occasion is noticed of his surprising his neighbour the "King of Kippen" with a visit while at dinner. In Menteith, too, Mary Queen of Scots, when a child of four years of age, found safety and repose when these could not be afforded by the royal palaces or fortresses. Her son King James the Sixth, at Cardross in Menteith, visited John, Earl of Mar, his former fellow-pupil under George Buchanan, and King Charles the Second was also a visitor to the lake in February 1651, on the 10th of which month he granted, at Portend, a warrant in favour of William, first Earl of Airth, for payment of an old debt of upwards of £7000, owing by King Charles the First.¹

During the Commonwealth the officers of Cromwell paid a visit to Menteith about the year 1654, which was not so pleasant as those made by the sovereigns, as General Monck did much damage in the parish of Aberfoyle by burning houses and woods. At a later period Prince Charles Edward, when prosecuting his father's pretensions to the throne of his ancestors in the

¹ Vol. ii. of this work, p. 69.

year 1745, was in Menteith for some time; and the principal stronghold he had in Scotland was Doune Castle, which was captured and held by his officers. On the 13th September of that year Charles left Dunblane, and crossing the Ford of the Frews on the Forth, proceeded to Leekie House, where he slept that night. As the Prince passed within a mile of Stirling Castle, cannon shots were fired at him, but he escaped without harm.

Her Majesty the Queen, in the autumn of the year 1869, sojourned for several weeks at Invertrossach, near Loch Katrine, during which time she visited the Lake of Menteith.

The beautiful scenery of this district has had attractions for more than one literary celebrity. Sir Walter Scott's predilection for it has already been adverted to, and Robert Burns, during a tour through his native country in 1787, visited Oehtertyre, on the river Teith, as the guest of Mr. Ramsay the classical scholar, with whom the poet afterwards corresponded.

Any record of the personages who figured in Menteith would be incomplete without some notice of the famous freebooter Rob Roy Macgregor. In the earlier part of his career he appears to have led an honest life and to have had friendly relations with the Duke of Montrose, under whom he was a tenant-farmer. Up to the year 1712 he acted in the capacity of a dealer in cattle, but about that time he fell into legal difficulties with his patron the Duke. Driven from his former home and occupation, and declared an outlaw, Rob Roy commenced the course of life which has rendered him famous in history. The entire district of Menteith was at his mercy, and the lesser proprietors and tenants found themselves obliged to pay him an annual tribute, in order to protect themselves from his depredations. His principal quarrel lay with the Duke of Montrose, whose chamberlains experienced the disagreeable consequences of his presence while they were engaged collecting the rents on the ducal estate. On one such occasion, indeed,

Macgregor actually kidnapped a chamberlain with his cash. At other times Macgregor set the Duke and the law at emphatic defiance, while the nature of the country and the character of Rob rendered it difficult to capture him. On several occasions he challenged the Duke of Montrose to settle their quarrel by single combat. One such challenge must be well known, as it is given by Sir Walter Scott in his Introduction to "Rob Roy." At another time he emitted the following declaration:—

To all lovers of honour and honesty.

Honour and conscience urges me to detect the assassins of our country and countrymen, whose unbounded malice prest me to be the instrument of matchless villany, by endeavouring to make me a false evidence against a person of distinction, whose greatest crime known to me was that he broke the party I was unfortunately of. This proposal was hauded to me first by Graham of Killearn, from his master the Duke of Montrose, with the valuable offers of life and fortune, etc., which I could not entertain but with the utmost horror. Lord Ormiston, who trysted me to the bridge of Cramond, was no less solicitous on the same subject, which I modestly shifted till I gott out of his clutches, fearing his justice would be no check on his tyranny. To make up the triumvirat in this bloody conspiracy, his Grace the Duke of Atholl resolved to outstrip the other two, if possible, who, having coy-duk'd me into his conversation, immediately committed me to prison, which was contrary to the parole of honour given me by my Lord Edward in the Duke's name and his own, who was privy to all that pass'd betwixt us. The reason why the promise was broke to me was, because I boldly refused to bear false witness against the Duke of Argyle. It must be owned, if just Providence had not helped me to escape the barbarity of these monstrous proposals, my fate had certainly been most deplorable, for I would be undobtedly committed to some stinking dungeon, where I must choose either to rot, dye, or be dam'd. But since I cannot purchase the sweet offers of life, liberty, and treasure at their high price, I advise the triumvirate to find out one of their own kidney, who, I'll engage, will be a fitt tooll for any cruell or cowardly interprise. To narrate all

particulars made towards this fould plot, and the persecution I suffered by the Duke of Montrose's means, before and after I submitted to the Government, would take up too much time. Were the Duke of Montrose and I left alone to debate our own private quarrell, which, in my opinion, ought to be done, I would shew the world how little he would signify to serve either King or country. But I hereby solemnly declare what I have said in this is positive truth, and that these were the only persons deterr'd me many times since my first submission to throw myself over again into the King's mercy, and I can prove most of it by witnesses.

ROB ROY M^cGRIGOR.

Bawhidder, June 25th, 1717.¹

With the greater number of his immediate neighbours Rob Roy appears to have been on good terms, or perhaps they considered it prudent to maintain friendly relations with him, notwithstanding his occasional attacks on their property. Several of his letters are printed in this work, which show his peaceable character before his ejection from his homestead at Craiggroyston, and a facsimile of one of these is given. Rob Roy died in December 1734, and the inventory of his effects, as given up by his widow, Mary Macgregor or Campbell, is also printed.²

An early and somewhat unique symbol of feudal holding of an estate in Menteith merits some notice here. It is a little silver sword, of about two inches and a half in length, said to have been given to an ancestor of the family of Leny in Menteith by King Culen. It is referred to in a charter by King Alexander the Second, granting the lands of Leny to Alan and Margaret of Leny in 1227.³ The sword was preserved at Arnprior in the year 1743, but on the forfeiture of the Laird of Arnprior for his share in the rising of 1745, the little sword was delivered to the Commissioners on Forfeited

¹ Original in Charter-chest of the Duke of Montrose.

² Vol. ii. of this work, p. 450.

³ Hailes's Annals, vol. iii. p. 377.

Estates. The sword was afterwards restored to the family along with the estates. Mr. Grose made a drawing of it in the year 1789, and an engraving of it appears in the *Archæologia* in 1792.¹ Unfortunately the sword has since been lost. A translation of the charter by King Alexander the Second may be here given:—

Alexander, by the grace of God, King of Scots, to all good men of his whole land, greeting. Know ye that we have given, granted, and by this our charter have confirmed to Alan of Leny and Margaret of Leny, daughter of the late Gillespie of Leny, knight, the lands of that ilk, within the sheriffdom of Perth, which formerly pertained to the said Margaret, but which she, led neither by force nor fear, but of her own free will, resigned to us at Scone, by staff and baton: To be held and possessed by them and their heirs as freely and quietly as the said Margaret held or possessed them before this resignation, by virtue of a little sword, which King Culen formerly gave by way of symbol to Gillespie Moir her predecessor, for his singular service, rendering thence to us and our heirs the service due and wont. In testimony of which thing we have caused our great seal to be appended. Witnesses, Gilbert Bishop of Dunkeld, Walter, son of Alan, Steward, Justiciar of Scotland, William . . . John of Bail . . . McPeid . . . Schau, fifth October, the thirteenth year of our reign.

In addition to the *Memoirs of the Earls of Menteith*, ancient and modern, a chapter has been subjoined on Sir John Menteith and his relations with the Scottish patriot Sir William Wallace. A subsequent chapter deals with the residences of the Earls of Menteith, and the history of their greatest castle, that of Doune in Menteith, has been given from the date of its foundation by Robert, Duke of Albany, to its acquisition by the ancestors of the present Earl of Moray. The Priory of Inehmahome is treated in as exhaustive a manner as the materials obtained would permit. From its foundation by Walter Comyn till its erection into the lordship of Cardross, its successive priors and commendators have been traced, as far as possible, and a life of

¹ Vol. xi. p. 45.

David Erskine, its last prior and commendator, is given at considerable length. David Erskine was also Commendator of the Abbey of Dryburgh, and in that character he is best known in history. The Cartulary of Dryburgh was printed by the late Mr. Spottiswoode of Spottiswoode, as a presentation to the Bannatyne Club, in the year 1847. The present writer assisted the late Mr. Cosmo Innes in the editing of that work. The Erskines were also closely connected, as commendators and otherwise, with the Abbey of Cambuskenneth, the Cartulary of which was also edited by the writer in the year 1872, as a presentation by the Marquis of Bute to the Grampian Club. These three religious houses, Inchmahome, Dryburgh, and Cambuskenneth, with the lands which belonged to them, were erected into the lordship of Cardross, in favour of John, second Earl of Mar, and the writer has thus had to treat of the ancient history of all the several parts of that lordship. In addition to those labours connected with the Erskine family, he has, in another capacity relating to the Mar Peerage, had devolved upon him the task of making long and laborious investigations for the head of the House of Erskine in the prosecution of his successful Claim to the peerage of Mar.

A "Leabhar dearg" or "Red Book" was used by many of the Highland families in which to record such things as they wished to commemorate. According to tradition the original Earls of Menteith possessed such a volume, the opening of which was fraught with risk to the inquisitive owner. It is to be hoped that the opening of the present "Red Book of Menteith," if it do not impart instruction and interest to the reader, will at least be free from the perils of its mythical predecessor.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,

December 1880.

SINCE the foregoing and the Memoirs of the two Dukes of Albany were in type, there have been published two volumes of the Exchequer Rolls of Scotland, extending over the period embraced in the lives of those two royal Dukes. In his prefaces to these valuable Rolls, the learned editor has done much to elucidate many historical, genealogical, and heraldic questions, particularly in his chapter on the "Stewart Genealogy." He has, however, failed to throw light on several points connected with Menteith, as to which we hope he will be pleased to receive a supplement to his information, as the result of our more extended investigations.

Robert Stewart, the third son of King Robert the Second, is stated to have been "Earl of Menteith by marriage, and of Fife by inheritance from the Countess Isobel."¹ The latter part of the statement may admit of argument, for while in the indenture between the Countess Isobel and Robert, Earl of Menteith, in 1371, now for the first time correctly printed in the present work from the original indenture,² in terms of which he obtained the earldom of Fife, there is reference to a former entail of the lands, nothing is said of the dignity, and the presumption is that he was specially created Earl of Fife by his father. But, on the other hand, the statement that Sir Robert Stewart was, or became Earl of Menteith "by marriage" with Lady Margaret Graham, the daughter of Sir John Graham, is erroneous, as Sir Robert nowhere holds that dignity until after his father's accession. In 1364, three years after his marriage, he is styled in the Exchequer Rolls simply Robert Stewart of Menteith.³ The records of Parliament show that in 1367⁴ and 1368,⁵ he was present in Parliament as Lord of Menteith only, and it is not until the day

¹ Exchequer Rolls, vol. ii. p. lxxxi.

² Vol. ii. of this work, p. 277.

³ Exchequer Rolls, vol. ii. p. 166.

⁴ Acts of the Parliaments of Scotland,
vol. i. p. 501.

⁵ *Ibid.* p. 505.

after his father's coronation that he pays homage as Earl.¹ From his influential position it cannot be doubted that if Sir Robert Stewart had really been entitled to the dignity of Earl of Menteith through the courtesy of his wife, it would have been accorded to him soon after his marriage. But there is evidence that he continued a commoner for several years, and until the coronation of his father as King Robert the Second. From and after that ceremony he was Earl of Menteith, and the inference clearly is that he became so by special creation on that occasion.

This fact goes entirely against the theory broached in these prefaces to the Exchequer Rolls as to female descent in peerages. The same may be said of a former Menteith marriage, on which some light is thrown from a statement by the late Mr. Riddell. Walter Comyn, who married the elder co-heiress of Maurice, third Earl of Menteith, in 1231, is after the marriage styled Earl of Menteith. It has been doubted whether he did not receive the dignity by courtesy of his wife, but Mr. Riddell quotes an old roll or inventory of charters by Alexander II.,² as containing a charter by that monarch "Walteri Cunyng de comitatu de Menteithe," which goes far to establish the fact that the dignity was conferred upon him, as upon Sir Robert Stewart, by a special creation.

The editor of the Exchequer Rolls assumes that the husband of the lady Elene of Mar, daughter of Gratney, Earl of Mar, was the famous Sir John Menteith, the reputed betrayer of Wallace. In this he follows the late Mr. Riddell, who states that Sir John and the husband of Lady Elene of Mar were one and the same person.³ This view is refuted, however, by the authorities quoted both by Mr. Riddell and the editor of the Exchequer Rolls. Mr. Riddell

¹ Acts of the Parliaments of Scotland, vol. i. p. 545.

² Peerage and Consistorial Law, p. 1050.

³ Tracts, Legal and Historical, 1835, p. 149.

founds on a charter of 1359, preserved in the records of Parliament,¹ granted by King David the Second to Sir John Menteith, the son of Lady Elene of Mar, reconveying to him the lands of Strathgartney, which had been taken by the King from the same Sir John in 1344. These lands are in that charter stated to have been granted by King Robert the Bruce to Sir John Menteith and Lady Elene of Mar in free marriage. But a missing charter of King Robert the Bruce, referred to in the Exchequer Rolls² as proving the above, though the full significance of the entry has been overlooked, designs the grantee, the husband of Lady Elene of Mar, as "John Monteith, son to John Monteith." There is thus evidence that there were in succession to each other three persons who bore the name and designation of Sir John Menteith, and that Lady Elene of Mar was the wife of the second Sir John Menteith, who was not the famous Sir John, but his son.

Although in the prefaces to the Exchequer Rolls it is nowhere distinctly stated that the reputed betrayer of Wallace and the husband of Lady Elene of Mar were one and the same person, it is affirmed that Joanna of Menteith, Countess of Strathern, was the daughter of Sir John Menteith and Lady Elene of Mar.³ That Joanna of Strathern was the daughter of the first Sir John Menteith is proved from authentic evidence,⁴ and has never been disputed, but it is a mistake to say that she was the daughter of Lady Elene of Mar. As we have shown, Lady Elene was not the wife of the first Sir John Menteith, and even if she had been she could not have been the mother of Joanna of Strathern. For if it be the case, as stated in the Exchequer Rolls, that Joanna was the wife of Earl Malise of Strathern, the father

¹ Acts of the Parliaments of Scotland, vol. i. p. 524.

² Exchequer Rolls, vol. ii. p. lvi; Robertson's Index, p. 23, No. 6.

³ Exchequer Rolls, vol. ii. p. ci, note.

⁴ Robertson's Index of Missing Charters, p. 18, No. 69; vol. ii. of this work, p. 230.

of the Earl Malise whose wife was implicated in the Soulis conspiracy in 1320¹ (and this statement is also made by other authorities), then she must have been married some time before that event. But from various data it may be shown that Lady Elene of Mar, even if married in 1320, could not then have had a marriageable daughter. Supposing that Gratney, Earl of Mar, married Lady Christian Bruce, the mother of Lady Elene, in 1292,² and allowing for the birth of their son Donald in or about 1293, it will be seen that Lady Elene in 1320 must have been at the utmost little more than twenty-five years of age. It is probable that she was even younger, and also that she was not married until after that date. The lands of Strathgartney, as is stated in the charter by King David the Second before referred to, were granted to her and her husband in free marriage, thus suggesting that these lands were her wedding-gift from her uncle, King Robert the Bruce. But these lands were taken from Sir John Logie only about 1320, and it is probable therefore that the marriage of Lady Elene of Mar did not take place until that year at least.

Another Menteith marriage which is mentioned in the preface to the last published volume of the Exchequer Rolls may also be here adverted to. The editor conjectures that Sir John Moray, the first husband of Lady Margaret Graham, styled Countess of Menteith, must have been Sir John Moray of Bothwell.³ This conjecture is well founded, but the evidence which completes the proof desiderated has been overlooked. This is furnished by a charter of certain lands in the barony of Avach, granted by Muriella, widow of Sir William Rose of Kilravock, with consent of her overlord, Sir John Moray of Bothwell, whom she also styles "Earl of Menteith and Panitarius of Scotland."⁴

¹ Exchequer Rolls, vol. ii. p. ci, note.

⁴ Rose of Kilravock (Spalding Club),

² *Ibid.* vol. iv. p. clxxvi, note. ³ *Ibid.*

p. 116.

In the same volume, as we have already remarked, much research has been brought to bear on the elucidation of the "Stewart genealogy" from King Robert the Second.¹ In one important case, however, the result is somewhat misleading. The editor states that a daughter of King Robert the Second, whose name he is unable to give, seems to have married Sir John of Keith, eldest son of William of Keith, Marischal.² In a subsequent page he represents another daughter of the King, Lady Jean, as having married John Lyon of Glamis.³ This marriage took place at first without consent of King Robert the Second, and the editor of the Exchequer Rolls refers to and states the terms of a remission in the Glamis Charter-chest,⁴ granted by the King, with consent of his sons, to his daughter Jean and Sir John Lyon for their marriage. But the fact has been entirely overlooked that this document proves that the daughter of unknown name, the wife of Sir John Keith, and Lady Jean, the wife of Sir John Lyon, were one and the same princess. In the remission she is designed Johanna of Keith, being then the widow of Sir John Keith, her first husband. The original remission has been carefully preserved at Glamis, and by the permission of the Earl of Strathmore, who is the descendant and representative of the marriage of the Princess Jean Stewart with his ancestor Sir John Lyon, we are enabled to print the document in this work from the original.

An indenture, which was entered into between Robert, Duke of Albany, and Archibald, fourth Earl of Douglas, on the 20th of June 1409, has been printed in the Appendix to the preface of the fourth volume of the Exchequer Rolls,⁵ accompanied by the statement that it "has hitherto escaped notice."⁶ We think it right to explain that the bond was first printed in the present work from a copy of the original in Her Majesty's General

¹ Vol. iv. p. cliii, *et seq.*

³ Exchequer Rolls, vol. iv. p. clxiv.

⁵ Vol. iv. p. ccix.

² *Ibid.* p. clxii.

⁴ *Ibid.* vol. iii. p. lii, note.

⁶ *Ibid.* p. lvi, note 1.

Register House, specially made for that purpose, and was actually printed as part of this work before it appeared in the Exchequer Rolls. In so far as we are concerned, there was no oversight of such an important indenture, although the print of it in the Exchequer Rolls, while last made, was accidentally first published.

In the same way the documents relating to the marriage of Janet Stewart, eldest daughter of Robert, Duke of Albany, and David de Loen, which are referred to in the Exchequer Rolls,¹ were, along with other relative important documents, printed in this work from the originals in the General Register House long anterior to the publication of the Rolls.

The letters of King James the First now printed in this work for the first time, are referred to in the preface to the Exchequer Rolls² as preserved in the General Register House. But the existence of these letters was not known to the editor of the Rolls till after they were brought to light again in November last, as explained in the preamble to them in this work.³

In the controversy about Macaulay's denunciation of John Graham of Claverhouse, the brilliant historian was much taken to task by Professor Aytoun and other critics for his mistake in calling him James instead of John Graham, thus showing, it was said, ignorance of the very name of the man whom he denounced. The editor of the Rolls has fallen into a similar mistake as to the name of the author of a well-known law work which he quotes, Steuart's answers to "Dirleton's Doubts." The author was the celebrated Sir James Steuart of Goodtrees, but the editor calls him Sir John Steuart.⁴ While noticing this slip, occurring amidst much that is accurate, we readily pardon it as a specimen of mistakes to which authors and editors are alike liable.

¹ Vol. iv. pp. clxxxiv, clxxxv.

² *Ibid.* p. lxxviii.

³ Page 283, *postea*.

⁴ Exchequer Rolls, vol. iv. p. clxxx.

The Red Book of Menteith.

THE EARLS AND HEIRESSES OF MENTEITH.

I.—THE MENTEITH EARLS OF MENTEITH.

OF these original Earls of Menteith very little can now be traced. No charter or instrument of creation of the earldom of Menteith is known to exist, and the feudal investitures of the earldom from its commencement, and for several centuries thereafter, have long since been dispersed. Menteith was one of the provinces into which Scotland was anciently divided, and during the Celtic period it was probably governed by Mormaors, like the other provinces of Scotland. In the beginning of the twelfth century this province was placed under the government of an Earl, and the earldom of Menteith is therefore probably as old as any of the other ancient territorial dignities, the history of which is lost in antiquity. But though the early feudal investitures of the earldom of Menteith have not been preserved, there are notices of it in the records of Parliament, the Cartularies of the religious houses, and in other authentic documents, which are sufficient to show the existence of the dignity in the time of King David the First, who reigned from 1124 to 1153, and it is possible that the earldom may have existed in the time of his father, King Alexander the First, who reigned from 1107 to 1124. At all events there is evidence of the existence of an Earl of Menteith in the reign of King David, as in a Statute, not

found in the treatise of Ranulph de Glanvil, but given in the *Regiam Majestatem*, and which is commonly attributed to King David the First, the Earl of Menteith is mentioned as having jurisdiction over the districts of Kintyre and Cowal, in Argyll.¹ A similar statement occurs in the laws of King William the Lion, who reigned from 1165 to 1214. In the third chapter of the Assizes of that King, the same Statute, there called the law of "Claremathane," is laid down as King David had already established it, and in reference to the jurisdiction of the Earl of Menteith, it is appointed that if any man is challenged "gif his warrand be wonnande in Kyntyre or in Cowalle, in that ilk manner, the Erl of Meneteth sall send his men with hym that is callyt to ber witnes to the forsayd assise."²

In the Cartulary of Scone the foundation charter by King Alexander the First, in or about the year 1114, is witnessed by "Beth Comes;"³ and in another charter, by the same King Alexander to the Church of Scone, granted probably soon after the foundation charter, two of the witnesses named in the testing-clause are Beth Earl and Malis Earl.⁴ In the Cartulary of Dunfermline, the charter of confirmation by King David the First to the Church of Dunfermline, granted probably soon after the King's accession in 1124, contains the names of a number of witnesses, bishops and Earls, including Malis Earl, Rothery Earl, and Madeth Earl.⁵ In another charter by the same King David to the Church of Dunfermline, the witnesses are chiefly bishops and Earls, among others Madeth Earl, Malis Earl, and Head Earl.⁶

Sir James Dalrymple, in his *Collections on Scottish History*, refers to the witnesses in King David's original charter to Dunfermline, and suggests that either Beth or Head was the Earl of Menteith, though he offers no

¹ Acts of the Parliament of Scotland, vol. i. p. 603.

² *Ibid.* p. 372.

³ *Liber Ecclesie de Scon*, p. 2.

⁴ *Liber Ecclesie de Scon*, p. 4.

⁵ *Registrum de Dunfermelyu*, p. 4.

⁶ *Ibid.* p. 16.

authority for his conjecture, and neither of these names has been identified as that of an Earl of Menteith.¹ But, as before remarked, it is quite possible that the earldom existed in the time of Alexander, and it is equally possible that Sir James may be right in his conjecture.

In works on the Peerage of Scotland, Murdach is usually said to have been the first Earl of Menteith, and to have lived in the reign of King David the First. As an authority for this statement, reference is made to the Cartulary of Dunfermline, in which it is alleged that Murdach is mentioned. But a careful examination of that Cartulary as printed for the members of the Bannatyne Club in the year 1842, has failed to discover the name of Earl Murdach either in the text or in the index. As already shown, there is an Earl Madeth mentioned, without any territorial designation, as one of the witnesses in the confirmation charter, and also in another charter by King David the First to the church of Dunfermline; and the name of Madeth may have been misread in the manuscript of the original Cartulary as that of Murdach. There was an Earl Murdach of Menteith in the reign of King William the Lion. But he was not the first Earl, as he inherited after Gilchrist Earl of Menteith, who was Earl in the time of King William the Lion, as well as of his brother King Malcolm the Fourth, and probably in that of King David the First. The name of Murdach has thus been misplaced in the Peerage books, although there may have been an Earl Murdach before Earl Gilchrist, as there certainly was an Earl Murdach after him. But of the existence of an Earl Murdach before Earl Gilchrist no evidence has been obtained.

¹ Collections, p. 392.

I.—GILCHRIST, FIRST EARL OF MENTEITH.

Circa 1150—circa 1180.

This is the first Earl of Menteith whose Christian name has been ascertained on strictly legal evidence, but beyond the name, little else is known of the history of Earl Gilchrist. As the owner of an extensive earldom, partly in the Lowlands of Scotland and partly in the Highlands of Argyll, exercising jurisdiction over large districts, Earl Gilchrist must have possessed much power and influence. But all trace of his existence has disappeared, save a few scanty references to him as a witness to royal or other charters. In the charter by King Malcolm the Fourth to the Abbey of Scone, granted in the eleventh year of his reign, 1164, "Gillecris Comite de Meniteith" is named as one of the witnesses.¹ That charter provided for the restoration of the Abbey of Scone, which had been destroyed by fire, and narrates that the Abbey is situated in the chief seat of government—"In principali sede regni nostri." The learned editor of the Maitland Club edition of the Cartulary states that the precise meaning of that expression is very doubtful. He remarks that it is difficult to understand how Scone could be reckoned the principal seat of government, except perhaps from some traditional and half-fabulous story of the Moothill, joined to the real evidence of the existence of the fatal chair of coronation.²

Gilchrist Earl of Menteith survived King Malcolm the Fourth for at least ten years, as he is named as one of the witnesses in a charter granted by King William the Lion to the church of St. Kentigern and Jocelin bishop of Glasgow, of the burgh of Glasgow. The charter was granted at Traquair,

¹ Liber Ecclesie de Scon, p. 8.

² *Ibid.* p. xiv.

in Tweeddale, which was one of the hunting seats of King William. It is without a date or regnal year; but as Bishop Jocelin was consecrated in 1175, it is ascertained from that fact and the names of the other witnesses, that the charter had been made between that year and the year 1178. It was under King William that free burghs in Scotland commenced; and the grant to the bishop of the burgh of Glasgow secured privileges for the town which had then been built around the Cathedral, with the right of holding a market on Thursdays, and other rights and customs as in the royal burghs.¹

Gilchrist is apparently the Earl of Menteith who is referred to without Christian name, in the laws of King William the Lion, as having jurisdiction over Kintyre and Cowal; and it is possible, if the law of "Claremathane," quoted in the *Regiam Majestatem* of King David the First, was made in the latter years of his reign, that Gilchrist may also have been the Earl of Menteith therein referred to as having then similar jurisdiction, though it may have been his unknown predecessor in the earldom.

It is said that Earl Gilchrist had a daughter, Eva, who was the Countess of Alwyn, second Earl of Lennox, who flourished between the years 1155-1225. Gilchrist was the name of one of their sons. He obtained the lands of Arrochar from his brother Maldouen, third Earl of Lennox, and was the ancestor of the Highland clan which bears the name of Macfarlane.² But no direct evidence has been obtained of the marriage of Earl Gilchrist, or of any children born to him. He was succeeded in the earldom by Murdach, who is the second known Earl.

¹ *Registrum Episcopatus Glasguensis*, vol. i. p. 36.

² *The Lennox*, by William Fraser, vol. i. p. 207.

II.—MURETHACH OR MURDACH, SECOND EARL OF MENTEITH.

Circa 1180—1213.

The second Earl of Menteith whose name has been ascertained is Murethach or Murdach. No evidence of relationship between him and Earl Gilchrist, his immediate predecessor in the earldom, has been discovered. But, according to chronology, Murdach probably was the son of Gilchrist, and the immediate inheritor of the earldom, although at that early date mere possession of the territorial earldom would give right to the dignity.

Murethach, Earl of Menteith, was one of the witnesses to an agreement made in the year 1199 or 1200, between Gilbert, prior, and the canons of St. Andrews, and the Culdees of that place, respecting certain teinds, which were in dispute between them. The prior and canons thereby granted to the Culdees the teinds of their lands of Kingask, Kinnakelle with Petsporgin and Petkennin, Lethin with Kinninis, Kernis with Cambrun, the rest being retained in the hands of the canons for marriages, purifications, oblations, baptisms, and burials, those of the Culdees being excepted, who might bury where they chose. The Culdees were to have all the teinds and revenues of Kilglassin, except baptisms and burials, inasmuch as the Culdees had given to the canons the lands of Tristirum in perpetuity, freely and quietly, as the Culdees themselves had held that town.¹

From this agreement it appears that Earl Murdach succeeded to the earldom between the years 1180 and 1200, towards the end of the reign of King William the Lion. He died during the reign of that sovereign, before the year 1213.

¹ Registrum Prioratus Sancti Andreae, p. 318.

III.—MAURICE SENIOR AND MAURICE JUNIOR, EARLS OF MENTEITH.

1213—1230.

On the death of Murdach, the second known Earl of Menteith, in or shortly before the year 1213, two brothers appeared as competitors for the earldom, both bearing the name of Maurice, and distinguished by the appellations of senior and junior. It has not been ascertained from any of the Menteith Muniments now preserved, or from other records, who was the father of these two competing brothers. It is probable, from their appearance and claim immediately after the death of Earl Murdach, that they were his sons; that although Maurice senior was in possession of the earldom, there may have been a question as to his legitimacy; and that Maurice junior, as the legitimate son of Earl Murdach, laid claim to it. This litigation, although amicably settled by King William in favour of the younger Maurice, was the first of a series of contentions in reference to the earldom.

It is owing to similar strife in the succeeding generation that the history of this amicable arrangement between Maurice senior and Maurice junior in 1213 has been preserved. When Isabella Countess of Menteith, the daughter of Earl Maurice junior, was banished to England, she applied to King Henry the Third for support in her claim for re-possession of the earldom of Menteith. On 20th September 1261, King Henry granted at Windsor an *inspeximus*, by which he certified that he had seen a charter by Alexander, son of the King of Scotland, and others, being an amicable convention made between Maurice Earl of Menteith and Maurice junior, his brother, as to their dispute regarding the earldom of Menteith, which the latter

claimed as his right and heritage. Earl Maurice thereby resigned the earldom in the hands of King William, who gave it to Maurice junior as his right. The elder brother was to hold by bailiary of the King for life the two towns, namely, Muyline and Radenoche, and the lands of Tum and Cattlyne, Brathuly and Cambuswelhe, which Maurice junior surrendered to the King for that purpose, to revert to him again on his brother's death. Maurice junior also delivered to his brother, for the marriage of his daughters, the lands of Savelime, Mestrym, Kenelton, and Stradlochlem. This agreement was made at Edinburgh on the 6th of December 1213, in presence of Sir Alexander, son of the King, Gilbert and Malcolm, Earls of Strathern and Fife, and many other witnesses.¹

At the same time King Henry granted another inspeximus, certifying that he had seen a charter by William King of Scotland, confirming the amicable arrangement made in his full court at Edinburgh between the two brothers concerning the earldom of Menteith, which the King thereby granted to Maurice junior on the resignation of Maurice senior, dated 7th December 1213.²

According to the arrangement made by King William, Maurice senior resigned the title of Earl and the earldom, and held the lands assigned to him, in bailiary of the King. He appears to have left no male heirs. Mr. Riddell refers to the existence of a Malcolm Earl of Menteith in 1237, and suggests that he might have been the son of Maurice senior. He says, "cotemporary with Walter Comyn, Earl of Menteith in right of Isabella Countess of Menteith, there is Malcolm Earl of Menteith, perhaps the representative of Maurice, senior." This, he remarks, is "very surprising," and an additional proof "of the perpetual strife or contention that reigned in the succession of this carldom." As evidence he cites a treaty of peace made

¹ Vol. ii. of this work, No. 7, p. 214.

² *Ibid.* No. 8, p. 215.

between Alexander King of Scotland and Henry King of England at York in 1237.¹ But Mr. Riddell has misread the names of the Scottish Earls who were parties to that treaty.² The Earl Malcolm referred to in the *Fœdera* is Malcolm, Earl of Fife, and not a second Earl of Menteith of the name of Malcolm, whose existence nowhere appears. Malcolm, Earl of Fife, is known to have been present there, as well as Walter Comyn, Earl of Menteith. Fife being the senior Earl of Scotland, "Comitem Maucolmum" sufficiently identified him. Malcolm, Earl of Fife, was also present at a subsequent treaty in 1244.³ To the same treaty of 1237 another Scottish Earl is a subscribing party, "Comite Patricio," evidently Patrick, Earl of Dunbar, which shows that no more precise designation was necessary for such a well-known Earl as Malcolm, Earl of Fife, whose predecessors as well as himself were frequently styled simply Earl, as Earl Duncan, etc.

In terms of the amicable arrangement between the two brothers, Maurice junior inherited the earldom, and appears as Earl of Menteith in several charters. In a charter of confirmation by King William the Lion to the church of Dunfermline of the church of Mouline, he was a witness under the name and designation of "Comite Mauricio de Meneteth."⁴

Earl Maurice was one of the seven Earls of Scotland present at the enthronement of King Alexander the Second at Scone. Previous to the death of King William the Lion, his son had been accepted by the bishops and nobles as their future King, and early in the morning of the 5th of December 1214, the day after the death of King William, the Earls of Fife, Strathern, Athole, Angus, Menteith, Buchan, and Lothian (Gospatric of Dunbar), with William Malvoisin, Bishop of St. Andrews, took Alexander, then a youth of

¹ Remarks on Scotch Peerage Law, by Mr. John Riddell, 1833, p. 151.

² Rymer's *Fœdera*, vol. i. p. 234.

³ *Ibid.* p. 257.

⁴ *Registrum de Dunfermelyn*, p. 34.

sixteen and a half years, and, carrying him to Scone, elevated him to be King, in the presence of God and men, with more grandeur and glory than any former monarch, and amid the general acclamations of those assembled. On the fourth day thereafter, the young King with his Court met the body of his father at Perth, and accompanied it to the monastery of Arbroath, before the high altar of which it was buried on the 10th of December.¹

In a charter by King Alexander the Second to the Abbey of Paisley, Earl Maurice is a witness.² He held the office of Sheriff of Stirling.³

The name of the Countess of Earl Maurice has not been ascertained, nor the time of his death, which must have taken place before the year 1231, when his son-in-law, Walter Comyn, had the title of Earl of Menteith. From the year 1213 Earl Maurice possessed the earldom uninterruptedly for about seventeen years, supposing his death to have taken place in the year 1230. He had no sons, as his two daughters, the Ladies Isabella and Mary, and their respective husbands, successively inherited the territorial earldom and dignities of Menteith. These ladies and their husbands, Walter Comyn and Walter Stewart, who were both distinguished in the history of Scotland, may be said to have commenced a series of romances connected with their claims to the earldom of Menteith. Their history has not hitherto been fully unfolded, and it has required a vast amount of investigation and research to disentangle the subject from the involved state in which it had been placed by peerage writers, who, in the latest editions of their works, were unable to state even the Christian names of these great heiresses.

¹ Fordun, ed. 1871, vol. i. pp. 280, 281.

² Registrum de Passelet, p. 214.

³ Charter by King Alexander the Second

to the Abbey of Cambuskenneth, dated at Clackmannan, 27th March 1226.—[Cartulary of Cambuskenneth, p. 176.]

IV.—ISABELLA COUNTESS OF MENTEITH.

WALTER COMYN, EARL OF MENTEITH, HER FIRST HUSBAND,
FOUNDER OF THE PRIORY OF INCHMAHOMIE.

1231—1258.

Walter Comyn, Lord of Badenoch, was one of the most distinguished Earls who ever held the title of Menteith, even more so than his own brother-in-law, Walter Stewart, and scarcely less illustrious than the two royal Dukes of Albany, Robert and Murdach, who afterwards successively inherited that title. Walter Comyn was the second son, by his first marriage, of William Comyn, who, on his second marriage with the Countess of Buchan, became or was created Earl of Buchan.

The great house of Comyn was descended from Richard, the surviving nephew of William Comyn, who is known as the warlike Chancellor of King David the First. The Comyns came to Scotland in the twelfth century from Northumberland, and rose rapidly to be the leading family in the country. During the time of King Alexander the Third there were three Earls of the name of Comyn in Scotland, the Earl of Buchan, the Earl of Menteith, and the Earl of Athole, and there was also one great feudal baron, Comyn Lord of Strathbogie, with thirty knights, all possessing lands. Walter, Earl of Menteith, was also Lord of Badenoch and Lochaber, and other extensive districts in the Highlands, and he made treaties with princes as a prince himself. One such compact with Llewellyn of Wales is preserved in Rymer's *Fœdera*,¹ and is referred to afterwards. The Comyns originally came from France with William the Conqueror in 1066, by whom Robert de Comyn was created Earl of Northumberland. The younger son of Robert de Comyn was William, who became Chancellor of King David the First, and William's grand-

¹ Rymer's *Fœdera*, vol. i. p. 370.

nephew, Richard, commonly called his nephew, was the father of William Earl of Buchan, who again was the father of the subject of this memoir.

Wyntoun's account of the origin of the name is more amusing than authentic. He relates that three brothers came from Normandy with King Richard the First of England, the youngest of whom, named William, made his way into Scotland and commended himself to King William the Lion by the comeliness of his person. The King of Scotland made him keeper of his chamber door. Wyntoun then states—

Ná langage cowth he spek clerly,
 Bot his awyn langage of Normawndy ;
 Nevyrtheles yhit quhen he
 Oppynynd the dure til mak entrè,
 Cwm in, cwm in, he wald ay,
 As he herd othir abowt hym, say,
 Be that oys than othir men
 Willame Cwm-in cald hym then.¹

After relating the marriage of this William Cumin, he refers to the birth and greatness of Walter, whom he makes grandson to this first Comyn :—

This Willame Cwmyn eftyr that,
 A swne cald Wilyame Cumyn gat.
 That Willame Cwmyn gat swynys twá ;
 Rychard and Waltyre cald war thá.
 Báthe thai twa ware mychty men ;
 Erle of Monteth wes Waltyr then.
 This Waltyr wes mychty eftyr that,
 And gret landys be conqwest gat.²

Walter Comyn, Earl of Menteith, at the time of his death in 1258, was reputed to be of great age. Previously to his marriage with Isabella Countess of Menteith, which took place in the end of the year 1230 or

¹ Wyntoun's Cronykil, vol. ii. pp. 53, 54.

² *Ibid.* p. 54.

beginning of the year 1231, he was much about the Court both of King William the Lion and King Alexander the Second. This is proved by his name being mentioned as a witness in many of the royal charters, and by his presence at many important State arrangements.

Walter Comyn may have been one of the hostages for the payment of the 15,000 marks which King William the Lion agreed to pay to King John of England in 1209, when the latter had massed his troops on the Scottish border. King William had prepared for the struggle, but thought it better to make a compromise than to risk the fortunes of war, and so consented, amongst other conditions, to the payment of this sum for the King of England's goodwill, and the confirmation of the fiefs and privileges which he held from King John. The money was to be paid within two years, but when the half of the amount was paid in the following year, King John remitted the other half, and the hostages would consequently be released at that time. One of these hostages was a son of William Comyn.¹ If it was his second son Walter, after his return he frequently attended at Court, and witnessed several charters by King William between the years 1211 and 1214. His name appears in two charters by that King to the Monastery of Arbroath, the one granted at Selkirk on 25th February,² and the other granted at Traquair on the 19th of January.³ During the reign of King Alexander the Second he attended the Court of that sovereign, and witnessed many charters by him.

In the year 1220 he accompanied King Alexander to York, where the King of Scotland met King Henry the Third of England, and arrangements were made respecting the marriage of King Alexander. On the 15th of June in that year both sovereigns exchanged mutual assurances, which were

¹ Rotuli Literarum Clausarum, vol. i. p. 137.

² Registrum Vetus de Aberbrothoc, p. 8.

³ *Ibid.* p. 21.

witnessed and sworn to by their respective nobles and barons. King Henry promised that he would give either his elder sister Joanna, or failing her, his younger sister Isabella, to Alexander King of Scots in marriage, and also that he would procure the honourable marriage of King Alexander's two sisters, the Princesses Margaret and Isabella, in England within the space of a year, or restore them to Scotland safely within a month after the lapse of that term. On the other hand, King Alexander solemnly swore to marry one or other of the sisters of King Henry, and amongst the names of the nobles and barons who pledged themselves by oath to observe the engagements of their King we find that of Walter Comyn.¹ The sequel shows that King Alexander married the elder sister of the English King.² In 1223 Walter Comyn was with King Alexander at Selkirk, and witnessed the confirmation of an agreement between the Abbeys of Holyrood and Newbattle on the 29th of May.³ Later on in the same year, he witnessed three charters by the King to the Monastery of Arbroath, granted at Forfar in October and December;⁴ and in September of the following year, 1224, he, along with Maurice Earl of Menteith, his future father-in-law, witnessed a royal confirmation of a gift by Maldouen Earl of Lennox to the Abbey of Paisley of a yair on the river Leven.⁵

An interesting fact, hitherto unrecognised, appears in a deed executed in 1225. In an agreement between Andrew, Bishop of Moray, and Robert Hod and Matilda his spouse, respecting the lands of Lamanbrid, witnessed by some of the King's Council among others, Walter Comyn is described as "Clerico domini Regis,"⁶ which was then the designation of the Lord Clerk Register. The published list of the holders of this ancient office is defective

¹ Rymer's *Fœdera*, vol. i. p. 161.

² *Ibid.* p. 165.

³ *Registrum de Neubotle*, p. 48

⁴ *Registrum de Aberbrothoc*, pp. 76, 77, 81.

⁵ *Registrum Monasterii de Passelet*, p. 214.

⁶ *Registrum Moraviense*, p. 461.

for this early period ; but this fact will supply one of the blanks due to the great scarcity of the authentic information necessary for the history of the times of the early Scottish Kings.

On 13th August 1225, Walter Comyn was with King Alexander the Second at Cluny, and witnessed a charter of confirmation to the church of Inchaffray of the teinds of Auchterarder;¹ and on 12th February 1226 he witnessed a confirmation by the King at Scone to the church of Kinloss,² and again at the same place, in September 1227, a confirmation to the Abbey of Dunfermline.³ In April 1228 he witnessed the confirmation by the King at Musselburgh of two charters by the Earls of Lennox to Robert Hertford,⁴ and on the 8th of July the same year, attested the confirmation by the King at Aberdeen of a treaty between the Abbey of Holyrood and Engeramus de Baliol.⁵ Alexander was at Kinross on the 25th of May 1229, as he there confirmed a gift by Malcolm Earl of Fife to the church of Scone of the church of Redgorton, and to this confirmation Walter Comyn was a witness,⁶ and also to another confirmation granted by the King at Belford to the Abbey of Melrose, on the 18th March of the same year.⁷

An unsuccessful rising in 1228 on the part of Gillescop M^cWilliam, then Baron of Badenoch, led to his own destruction and that of his two sons, and the lands of Badenoch, which formed part of the estates of the rebel, were forfeited to the Crown. King Alexander had himself proceeded against his rebellious subject, but had failed to reduce him to allegiance. In the following year, 1229, William Comyn, Earl of Buchan and Great Justiciar of Scotland, with the aid of his numerous vassals, dispersed the insurgents,

¹ Liber Insule Missarum, p. 12.

² Registrum Moraviense, p. 459.

³ Registrum de Dunfermelyn, p. 43.

⁴ Registrum Monasterii de Passelet, pp. 214, 215.

⁵ Munimenta Sancte Crucis, p. 60.

⁶ Liber Ecclesie de Scone, p. 45.

⁷ Liber de Melros, vol. i. p. 184.

and sent the heads of their leader and his two sons to the King. It seems very probable that the Earl of Buchan obtained at this time the lands of Badenoch for his younger son Walter, who is mentioned in the Cartulary of Moray as Lord of Badenoch. This fact seems to have been overlooked by historians, who have hitherto considered John Comyn, the grand-nephew of Walter, as the first Lord of Badenoch. This, however, is a mistake, as appears from several deeds executed by Walter Comyn as Lord of Badenoch. In one agreement between him and Andrew, Bishop of Moray, which must have been arranged before his marriage, as in the deed he is simply styled Sir Walter Comyn, he grants several portions of the territory of Badenoch to the bishop.¹ In another arrangement made betwixt him and the same bishop in the year 1234, shortly after his marriage, he is styled Walter Comyn, Earl of Menteith.²

Shortly after his acquisition of the lordship of Badenoch in 1229 or 1230, Walter Comyn married the Lady Isabella, elder daughter and heiress of Maurice, third Earl of Menteith. As formerly remarked, the marriage was celebrated in the end of the year 1230 or beginning of 1231. He was witness to a charter by King Alexander the Second at Kincardine, confirming a gift by Maldouen Earl of Lennox to the Church of St. Thomas the Martyr at Arbroath, of four oxen yearly for the welfare of the soul of the late King William, etc., on the 9th of January 1231, in which he is designated simply Walter Comyn.³ On the 3d of February in the same year, he witnessed a gift by the King at Clackmannan of the lands of Cultrach and Balmerino to the Abbey of Balmerino, in which he is styled Walter Comyn, Earl of Menteith.⁴ The charter and gift now quoted, the one without the title of Earl and the other with it, show that his marriage had been celebrated in the course of the interval of three weeks which

¹ *Registrum Moraviense*, p. 83.

² *Ibid.* p. 98.

³ *Registrum Vetus de Aberbrothoc*, p. 95.

⁴ *Liber de Balmerinach*, p. 4.

elapsed between the dates of these two deeds. No written instrument being now extant showing the investiture of Walter Comyn in the dignity of Earl of Menteith, it is impossible to say, with anything like certainty, if he enjoyed the title by courtesy through his wife, or by being created Earl of Menteith in his own right.

After his marriage he witnessed many charters by the King, and from the date of that event is almost invariably described as Earl of Menteith. His importance was greatly increased by his marriage, and the acquisition of the earldom of Menteith, with his other possessions, rendered him one of the most powerful of the Scottish nobles. He not unfrequently takes the seniority among the attesting witnesses to royal confirmations and grants. King Alexander the Second evidently esteemed him as a wise and prudent counsellor, and kept him much at his Court. In 1233 he was with the King at Traquair, and attested a confirmation of lands by the King to the Abbey of Melrose.¹ On the 11th of June 1234 he was at Scone,² on the 13th of October 1235 at Cadzow, whence the King addressed a letter to the Bishop of Glasgow,³ and on the 25th December of the same year he was at St. Andrews, when the King granted a charter of the lands of Tarvays to the Abbey of Balmerino.⁴ In the following year, 1236, he witnessed a charter by the King to Richard of Moray, granted on the 23d of July at Forres;⁵ and on the 27th December, at Stirling, he witnessed a gift by the King to the Abbey of Dunfermline of the lands of Dolar,⁶ which was followed on 20th October 1237 by a grant of the forest of Dolar⁷ when the King was at Scone, also attended by the Earl of Menteith. A short time

¹ Liber de Melros, vol. i. p. 222.

² Liber Ecclesie de Scon, p. 41.

³ Registrum Episcopatus Glasguensis, p. 143.

⁴ Liber de Balmerinloch, p. 61.

⁵ Registrum Moraviense, p. 464.

⁶ Registrum de Dunfermelyn, p. 43.

⁷ *Ibid.* p. 43.

afterwards he was at Edinburgh Castle with the King, who, while there, granted four merks out of his lordship of Cadzow for the support of a deacon and subdeacon of Glasgow. The grant is dated 8th February 1237, and is attested by Walter Comyn, Earl of Menteith.¹

At this period Scotland was divided into two great parties, the National or Patriotic party, who made it their chief aim to preserve the independence of Scotland, and a party who were supposed to further the interests of the English Kings. Walter Comyn steadily allied himself with the Patriotic party, and took a leading part in all the important transactions of the period.

After the death of his father, the Earl of Buchan, in 1233, the Earl of Menteith rapidly rose to be the most influential nobleman in Scotland. At this time he is described by Fordun as a man prudent in counsel, valiant in battle, whose foresight had been attained by long experience. He was the head of a large and powerful family, the chief of numerous vassals, possessed of high talents, and of a strong love of his country, which enabled him to direct the great power thus lying in his hands for what he considered the interest of Scotland. At a time when the Kings of England were endeavouring to reduce Scotland to a state of vassalage to the English crown, the patriotism of the Earl of Menteith was devoted to the preservation of the liberties of his country. Neither his counsel nor his presence were withheld when required in her service. Accordingly we find him at York in September 1237, when a treaty of peace was entered into between the Scottish and English Kings, over the long disputed claims of both to the northern provinces of England, and he undertook, along with other Scottish nobles, to maintain that treaty.²

Not long afterwards a private family feud nearly involved the two

¹ *Registrum Episcopatus Glasguensis*, p. 144.

² *Rymer's Fœdera*, vol. i. p. 234.

countries in war, though but for the part taken in it by the Earl of Menteith it need not have been noticed here. The circumstances, however, show the vigilance which, as chief of the National party, he displayed to protect and avenge his friends. At a tournament held near Haddington in 1241, Sir Walter Bisset, a knight of Norman descent, and brother of William, Lord of Aboyne, was overthrown by Patrick of Galloway, Earl of Athole. This defeat seems to have rankled in Bisset's breast, and when his youthful antagonist, with two attendants, was burnt to death in the house in which he slept at Haddington on the night after the tournament, he was suspected to have been the murderer. The sad fate of this young and promising nobleman, who is said to have been warned of his danger by the wife of his enemy, roused the fury of his party. They denounced the Bissets, and openly charged William, Lord of Aboyne, with abetting the bloody doings of his kinsman. In vain Bisset protested his innocence. The Queen even pleaded for him, and offered to prove that he was in attendance on her at Forfar on the night of the murder, and William, Lord of Aboyne, bestirred himself to get the actual murderers excommunicated. "His cognisances had been recognised in the town of Haddington; his retainers had been seen during the night of the fire; and these were sufficient proofs of guilt in the eyes of Walter the Earl of Menteith, and John the Red Comyn, his nephew, to justify their harrying the lands of the obnoxious baron, who sought shelter from their attacks within the walls of his castle of Aboyne."¹ The Bissets were banished from the country, and with difficulty escaped with their lives. Sir Walter Bisset went to England, and incited Henry the Third to war with Scotland, on the pretext that Alexander had wrongfully deprived him of his lands without his consent as the Lord Paramount of Scotland. So effectually did he plead his cause that war was decided on by Henry. In 1244 both Kings prepared

¹ Robertson's Early Kings, vol. ii. p. 35

their armies. Alexander marched into Northumberland, and Henry concentrated his forces at Newcastle. But before any engagement took place the English barons persuaded the King to make peace. An agreement was entered into between the two Kings on the 14th August 1244, which was signed by them and several of the English and Scottish nobles and barons, among whom Walter Comyn appears as one of those who guaranteed this treaty.¹

Henry had urged against Alexander, amongst his reasons for the war, that Walter Comyn and other Scottish lords had built two castles in Liddesdale and Galloway, to the prejudice of the rights of the English Crown, and to the detriment of the English lieges. One of these two castles was the great stronghold of Hermitage in Liddesdale, which was erected by the Earl of Menteith in or about the year 1244. It became the property of the family of Soulis, who at that time shared the fortunes of the National party. Upon their forfeiture it passed into the hands of the Douglasses, and Archibald, sixth Earl of Angus, exchanged Hermitage Castle with Hepburn Earl of Bothwell for the castle and lordship of Bothwell. It was to the Castle of Hermitage that Queen Mary rode from Jedburgh to inquire for her favourite Bothwell, when wounded by a mosstrooper, by which journey she brought upon herself a severe fever. Francis Stewart, Earl of Bothwell, the nephew of James Earl of Bothwell, had possession of the Castle of Hermitage for some time, until upon his forfeiture it fell to the first Earl of Buccleuch.

The other castle in Galloway which Walter Comyn was blamed for building, was probably Dalswinton, long known as Comyn's Castle, from being one of the chief residences of that family. Sir John Comyn, Lord of Galloway, commonly known as the Red Comyn, dwelt here during the eventful period of the wars of succession which arose on the death of

¹ Rymer's *Fœdera*, vol. i. p. 257.

Alexander the Third, and he took an active and important part in the affairs of the kingdom. After Wallace resigned the office of Governor of Scotland, Comyn was chosen one of the Regents, and on account of the power of the family which he represented, was looked up to as the head of the Regency. Sir John Comyn was the grandnephew of Walter, Earl of Menteith, being the son of John Comyn, known as the Black Comyn, and grandson of Sir John Comyn, younger brother of Walter, Earl of Menteith. His father having married Marjorie, the sister of John Baliol, Sir John Comyn was Baliol's nephew, and thus became a competitor for the Scottish crown with Robert Bruce after the degradation of Baliol. Bruce had also been elected one of the Scottish Regents, and in order to free their country from the claims of King Edward the First, Comyn and Bruce entered into a secret agreement, whereby Comyn waived his pretensions to the crown, and agreed to assist Bruce. On this understanding Bruce repaired to the Court of the English King, but while there was betrayed by Comyn to Edward, and compelled to escape for his life. On returning to Scotland, Robert Bruce learned the treachery of his co-regent, and having met him in Dumfries, he remonstrated with him on his treasonable conduct. Their meeting took place within the precincts of the Franciscan Church of the Minorites in Dumfries. But few words passed between the disputants. Comyn denied the charge made against him in such terms as to irritate his opponent, and the next instant Bruce's dagger had pierced his heart. By that deed Bruce dealt the death-blow to the power of the Comyns in Scotland. They sank in influence as Bruce gained in strength, and they never afterwards regained the prestige which had been brought to the family by the wisdom and prowess of the great Earl of Menteith.

The Castle of Dalswinton is said to have been burned by Bruce after the murder of John Comyn at Dumfries in 1305, but it was frequently afterwards

used as a stronghold by both Scottish and English troops, as it alternately fell into the hands of either. In 1309 it was in the hands of the English,¹ and in 1313 again in those of the Scots.² It was a garrison of the English in 1348, and King Edward the Third gave instructions to Adomar of Athol [Atheles], his Sheriff of Dumfries at the time, to repair the castle.³ It was stormed by Roger of Kirkpatrick in 1356,⁴ and was one of the four castles which David the Second was suspected of having in a private treaty with Edward the Third engaged to demolish on his restoration to his throne in 1357.⁵ Fordun relates that thirteen castles were destroyed, and that they for the most part remained unbuilt even in the reign of King Robert the Second.⁶ In 1792 Allan Cunningham saw part of the walls of the old castle of Dalswinton still standing; in some places he says they were twelve, and in one place fourteen feet thick, and pieces of burnt wood still clinging to them.⁷

In 1246 the Earl of Menteith was with the King at Selkirk, and witnessed a charter of confirmation, dated the 26th May, by Alexander to the doorkeeper of Melrose Abbey of a half carucate of land in Edinham.⁸ On the 12th of November of the same year, Alexander, while at Edinburgh, confirmed a charter by Roger de Quincey to the Abbey of Scone of lands in Perth; and the name of Walter Comyn, Earl of Menteith, being in the charter as a witness, shows that he was present with the King on that occasion.⁹ In the following November King Alexander was at Holyrood, and confirmed a gift of pasture by the Earl of Dunbar to the Abbey of Melrose, to which the Earl of Menteith is also a witness.¹⁰

¹ Rotuli Scotiæ, vol. i. p. 80.

² Fordun, lib. xiii. cap. 19.

³ Rotuli Scotiæ, vol. i. p. 713.

⁴ Fordun, lib. xiv. cap. 15.

⁵ *Ibid.* cap. 18.

⁶ Fordun, lib. xiv. cap. 18.

⁷ New Statistical Account, vol. iv. p. 59.

⁸ Liber de Melros, vol. i. p. 216.

⁹ Liber Ecclesie de Seon, p. 51.

¹⁰ Liber de Melros, vol. i. p. 205.

The events which followed on the death of King Alexander the Second in 1249, and the accession of his young son Alexander the Third to the throne, show that Walter Comyn was, as the old historian says, the most able, wise, and powerful nobleman of his time. Alexander the Third was only in his eighth year when his father died, and within five days after that event he went to Scone with the Estates of the realm to be crowned. Before the proceedings commenced, objections were made and doubts expressed, chiefly by the party favourable to the King of England, as to whether the ceremony ought to be performed. The day was said to be inauspicious; but Fordun states this was said, not because the day was inauspicious [ægyptiacus], but because Alan Durward desired, with his own hand, to invest the King with the knightly sword. It was urged as unprecedented and premature to crown the King before he became a knight. These objections are alleged to have been made by those favourable to the English King. But Walter Comyn, Earl of Menteith, with an honourable anxiety to watch over the interests of his deceased master's child, warmly expostulated against the projected postponement.¹ He remembered the late protest of the Archbishop of York, and was aware that the King of England was intriguing at Rome to obstruct the coronation.² Menteith is reported by Fordun to have replied to the arguments of the objectors in the following strain:—That he had seen a king consecrated who was not yet a knight, and had many a time heard of kings being consecrated who had not previously been knighted; further, that a country without a king was, beyond doubt, like a ship amid the waves of the sea without rower or steersman. He had always loved King Alexander of pious memory, now deceased, and this boy also for his father's sake. So he moved that this boy be raised to the throne as quickly as possible, seeing it is always hurtful to put off what may be done at

¹ Robertson's *Early Kings*, vol. ii. p. 53.

² Chalmers's *Caledonia*, vol. i. p. 639.

once.¹ By this speech Walter Comyn overcame the scruples of a number of the opposing nobles, and so far silenced the objections of the rest that the Bishops of St. Andrews and Dunkeld, and the Abbot of Scone, as well as the nobles and the whole clergy and people, with one voice gave their consent to the coronation. David of Bernham, Bishop of St. Andrews, remarked that William Rufus had been knighted by Lanfranc, Archbishop of Canterbury, and it was now arranged that the Bishop should both gird the sword of state upon the youthful monarch and crown him, which was done accordingly.

It was no mere factious motive which impelled the Earl of Menteith to this step. He was justly afraid of the undue exercise of English influence, and that Henry would eagerly seize a favourable opportunity to advance his own pretensions to the Scottish crown. As it was, the English King endeavoured to get the Pope to annul the coronation of King Alexander the Third, on the pretence that he was his feudal superior, but without effect. In addition to thus securing his country from the attempts of foreign kingcraft, the Earl of Menteith also maintained its internal peace. By his prompt and energetic counsel he united the divided nobles, and as Chalmers remarks, "The bold baron of Menteith deserves lasting praise for having thus exploded a scruple which might have involved an irascible nation in civil war."²

Frustrated in his plans by the sagacity of Menteith, Henry yet sought in another way to obtain an interest in the management of the affairs of Scotland. Soon after the inauguration of King Alexander the Third, he required the fulfilment of one of the conditions of the Treaty of Newcastle, by which Alexander was contracted in marriage to the Princess Margaret, Henry's eldest daughter. The Scottish nobles admitted the justice of his

¹ Fordun, edition 1872, vol. ii. p. 239.

² Chalmers's Caledonia, vol. i. p. 639.

claim, and the marriage was arranged to take place at York, the northern capital of England, on the 25th of December 1251. On that day Alexander was girded with the belt of knighthood by his destined father-in-law, and on the following day he was married to the Princess Margaret of England, in the midst of great magnificence and splendour. Alexander afterwards performed the usual homage for the fiefs which he held from the English crown, and thereupon Henry pressed his claims to receive homage for the kingdom of Scotland. With a spirit and prudence far beyond his years, Alexander replied that he had come at the request of the English King for a peaceful and an honourable purpose, to celebrate a marriage, and not to give an answer to a question of such importance, about which he had not even had time to consult his Council.¹

The Earl of Menteith was, of course, present with the Scottish Court at York, and before the conclusion of the festivities became one of the King of Scotland's first councillors. This was brought about in the following way. Alan Durward, who had been foremost in opposing the coronation of Alexander at Scone, was accused by the Earls of Menteith and Mar of a design against the Scottish crown. Durward held the office of High Justiciar, and in that capacity was the chief councillor of the King. His wife was a natural sister of King Alexander the Third, and the two Earls accused him of having petitioned the Pope for her legitimation, by which, if he had been successful, and the King had died without heirs, his children would have succeeded to the throne. The Scottish Chancellor, Robert, Abbot of Dunfermline, had aided Durward's attempts, and on the conspiracy being denounced both fled from York. Upon this, with Henry's assistance, new guardians were appointed for Alexander, at the head of whom were the Earls of Menteith and Mar.

¹ Robertson's Early Kings, vol. ii. p. 59.

Menteith was now at the zenith of his power. He was the chief of his party, of which two barons, Robert de Ros and John de Baliol, had the name of Regents. Fordun states that at this time the King's councillors were but so many kings, and complains much of the oppressions practised by them upon the people. They are said to have kept Alexander and his Queen in Edinburgh Castle, of which usage the latter complained to her father, Henry King of England. She described her place of residence as "a dismal and solitary fortress, exposed to the unhealthy air from off the sea;" that she was forbidden to change her residence, was deprived of her proper attendants, and even denied the society of her own husband.¹ These grievances were probably exaggerated by the royal lady, as she may have become weary of the constraint which the Regents thought it necessary to use lest the opposite party, which was also very powerful, should obtain possession of their charges.

From authentic records, however, we learn that the young King was not so straitly kept in one place as the information supplied to the English King would lead us to infer. Owing to Alexander's youth, the welfare of the kingdom required that his guardians should jealously watch that no undue advantage should be taken of his inexperience. He was at Linlithgow on the 21st of April 1252, and issued a mandate to his sheriffs and bailies, which was witnessed by the Earl of Menteith, William Earl of Mar, chamberlain, and Alexander Stewart.² Again, on the 8th of June, the same year, he was at Newbattle, and confirmed a grant to the Abbey of Melrose of the meadow of Farningdun, to which the Earl of Menteith is a witness.³ On the 17th of September in the following year he was at Stirling with his Council; and in their presence, Emma, daughter and heiress of the late Gilbert of

¹ Robertson's Early Kings, vol. ii. p. 62.

² *Fragmenta Scoto-Monastica*, p. xlii.

³ *Liber de Melros*, vol. i. p. 300.

Smythetun, resigned and restored the lands of Smythetun to the Abbey of Dunfermline, upon which the Council drew up a formal consent and testimony, and the Earl of Menteith ranks first among the nobles.¹ The young King appears next at St. Andrews, where he confirms a charter by Malcolm Earl of Fife to David of Graham, on the 27th of December 1253, to which deed Menteith is also a witness;² and on the 4th of February following, at Edinburgh Castle, Alexander granted to the Abbey of Dunfermline an immunity from all their debts, etc., also witnessed by Walter Comyn, Earl of Menteith.³

King Henry, however, sympathised with the complaints of his daughter, the young Queen of Scotland, as to the manner in which it was alleged she was treated. He instituted inquiries into the matter, and Durward, who had accompanied the English King to France, and by his great military skill ingratiated himself into Henry's favour, eagerly seized the opportunity thus afforded of procuring the downfall of the Comyns. In 1255 Durward returned to Scotland, and laid his plans so carefully that by a clever stratagem he succeeded in obtaining possession of Edinburgh Castle, and with it the persons of the youthful King and Queen. The Comyns, thus taken unawares, strove to retrieve this disaster, but it was too late. The stronghold was in the possession of their foes, and King Henry was approaching the Borders with his army. Menteith was obliged to submit to overwhelming odds. For greater security Durward's party removed the King and Queen to Roxburgh Castle, where they met the English King, through whose influence the former Regents and Councillors were supplanted by others more favourable to the English supremacy. Tytler says that "Henry assumed to himself the title of 'principal counsellor to the illustrious King

¹ Registrum de Dunfermelyn, pp. 49, 50. ² The Lennox, by William Fraser, vol. ii. p. 15.

³ Registrum de Dunfermelyn, p. 51.

of Scotland ;' and that in the instruments drawn up on this occasion some provisions were inserted which were loudly complained of as derogatory to the dignity of the kingdom ; the abettors of England were stigmatised as conspirators who were equally obnoxious to prelates, barons and burgesses ; and the Bishop of Glasgow, the Bishop-elect of St. Andrews, the Chancellor, and the Earl of Menteith indignantly refused to affix their seals to a deed which, as they asserted, compromised the liberties of the country."¹ The Chronicle of Melrose calls the deed a "nefandissimum scriptum ;"² and Wyntoun³ says—

" Thare wes made swylk ordynans,
That wes gret grefe and displeasans
Till of Scotland ye thre Statis,
Burgens, Barownys, and Prelatis."

The new Regents were entirely indebted to the English King for their success, for the feeling of the whole nation was evidently against them ; and Tytler remarks that although the ambition of the Comyns may have given some plausible colour to the designs of their enemies, yet the new measures were generally and justly unpopular ; and they soon came to an end. As soon as the new Regents had strengthened themselves in their offices, they summoned their predecessors to give an account of their proceedings. The National party, however, refused to acknowledge the new Government, and a state of anarchy was the result. The new Regents tried to coerce and persecute their rivals, and as they could not reach the nobles, they discharged their vengeance upon Gamelin, the bishop-elect of St. Andrews, who had formerly been Chancellor. On the see of St. Andrews becoming vacant by the death of David of Bernham, Gamelin sought to obtain it ;

¹ Tytler's History, vol. i. p. 28.

² Chronica de Mailros, p. 181.

³ Macpherson's edition, book VII. chap. x.

but Abel, the Archdeacon of St. Andrews, obtained it from the Pope for himself. On his death, after a very short tenure of office, Gamelin was elected without opposition; but the Regents strenuously opposed his occupation of the see, and on his being consecrated by the Bishop of Glasgow, they outlawed him and confiscated the revenues. Gamelin hastened to Rome, induced the Pope to listen to his appeal, and was successful in obtaining from him a decision in his favour against the Scottish Regents. They yielded so far as to allow the bishop to possess his benefice, on condition of his paying a large fine. This Gamelin refused to do, and without further delay they banished him and retained possession of his revenues. Again the bishop betook himself to Rome, and this time the Pope appointed the Bishop of Dunblane and the Abbots of Melrose and Jedburgh to excommunicate the recalcitrant Regents unless they yielded. The sentence was duly announced in every church and chapel throughout Scotland; but as the Regents paid no attention to it, they were adjudged contumacious, and solemnly excommunicated by name in the Abbey Church of Cambuskenneth by the Bishop of Dunblane and the Abbots of Jedburgh and Melrose, and the ceremony was afterwards repeated "by bell and candle" in every chapel in the kingdom.

The National party considered this too good an opportunity to be missed, and although arrangements had been proceeding for a compromise between the rival factions, and even the very day fixed for settling the terms of it, all thoughts of such a measure were abandoned. The Comyns mustered their full strength, and supported by a knowledge of the popularity of their party, resolved by a bold stratagem to reinstate themselves in the government. During the regency of Durward and his coadjutors King Alexander had paid a visit to the Court of his father-in-law, but had now returned to Scotland, and was holding his Court for the time at Kinross. Menteith determined

to obtain possession of the King's person, and on the night of the 28th October 1257, under cover of the darkness, Alexander was seized in bed, and conveyed with his Queen before morning to Stirling Castle. "Menteith," says Robertson,¹ "justified his conduct by maintaining that he had not overstepped the duty of a loyal subject in rescuing the person of his sovereign from the hands of excommunicated traitors, who, if they had been permitted to proceed in their nefarious career, would have brought an interdict upon the entire kingdom. He blamed the King for receding from the promise of his early youth, and for pursuing a line of conduct most injurious to the interests of his kingdom, by promoting aliens and foreigners in preference to his own native subjects; whilst he openly charged Queen Margaret with an undue leaning towards the interests of her father, whom she had stimulated to bring a hostile army against her husband's country, thus causing irreparable mischief, and entailing ruin upon Robert de Ros, the most eminent baron of the north."

Lord Hailes appears to have fallen into an error in reference to Robert de Ros. His Lordship represents that the Comyns vented their vengeance on him. "Already punished in England as the enemy of the Queen, he was now punished in Scotland as her partisan, and all his goods were confiscated." This appears strange conduct towards a former friend and ally; but Lord Hailes has misrepresented the case of Ros by misreading the words of Matthew Paris, "as if the ruin of de Ros was imputable to the Comyns for his subsequent espousal of the Queen's cause, whereas the historian (Matthew Paris) evidently alludes to the loss of de Ros's great English fiefs, forfeited by Henry. De Ros had no opportunity of becoming a partisan of the Queen of Scotland, for he was thrown into prison, and even his life was in danger."²

¹ Scotland under her Early Kings, vol. ii. p. 72.

² *Ibid.* p. 73.

Menteith's success was complete: the opposing faction were utterly discomfited, and Durward fled to England. Most of the barons who had assisted him followed his example, and as it was likely that the King of England would espouse their cause, the Comyns lost no time in strengthening their position by entering into an alliance offensive and defensive with the Welsh, who were then at variance with England. The treaty was entered into on the 18th of March 1258 by a number of the Scottish nobles, with Walter Comyn, Earl of Menteith, at their head, while among the others were Alexander Comyn, Earl of Buchan, Justiciar of Scotland, William, Earl of Mar, William, Earl of Ross, John Comyn, Justiciar of Galloway, and Aymer de Maxwell, Chamberlain of Scotland; on the Welsh side was Llewellyn, son of Griffin, Prince of Wales, with a number of his magnates. The agreement by the Scottish nobles was made without the consent of King Alexander, but it was conditional on his pleasure, and they promised, so far as lay in their power, to induce him to observe the obligation. They bound themselves not to permit any force to leave Scotland for the purpose of assisting the King of England against the Welsh, but, on the contrary, were to assist the latter with help and counsel; and in addition to this, commercial relations were established between the two countries. Welsh traders were to be at liberty to come and go and vend their wares as they pleased, and Scottish traders were to be encouraged to go to Wales.¹

It was not the desire of the Earl of Menteith and his friends that the nation should be involved in war with England, nor, if possible, any longer tormented with intestine turmoil. They accordingly assented to a meeting to be held at Jedburgh, with envoys sent by the King of England for the purpose of effecting a coalition, but at the same time took the precaution to have a large number of their followers at hand in Jedwood Forest, as they knew

¹ Rymer's *Fœdera*, vol. i. p. 370.

that the English had a considerable force at Norham, and would endeavour to seize the person of Alexander if it were possible. The strength of the Scots proved amply sufficient to defeat any such intention. Menteith acted prudently and moderately, and at the conclusion of the conference, which lasted three weeks, Alexander's Council consisted of the Queen-mother, Mary de Couci, and her second husband John de Brienne, and four of the leaders of either party, namely, the Bishop of St. Andrews, the Earls of Menteith, Buchan, and Mar, Alexander Stewart, Alan Durward, Robert of Manners, and Gilbert of Hay. The great offices of the State, however, remained with the Comyns, and consequently they were the party really in power. With this arrangement King Henry expressed himself satisfied,¹ and the internal discords of Scotland gradually ceased from the date of this compromise.

The struggle against English interference, so nobly and successfully conducted by the Earl of Menteith, although attended with much misery, rapine, and bloodshed throughout the country, was almost concluded when he died. His death, which occurred in November 1258, was both sudden and unexpected. Henry learned the news, apparently with satisfaction, while he was at St. Albans, "that a stumbling charger had at length released him from the ablest and most consistent opponent of his policy amongst the Scottish Regents; for Menteith had been crushed by the fall of his horse, and the aged Earl never recovered from the shock."² Such was the cause of his death as reported in England, but in Scotland it was rumoured that his Countess had poisoned him; and her conduct in remarrying almost immediately afterwards, and choosing an obscure Englishman for her husband, gave some colour to the story. By the death of this Earl of Menteith Scotland lost a patriot and a statesman who never wavered in his endeavours

¹ Rymer's *Fœdera*, vol. i. p. 378.

² Robertson's *Early Kings*, vol. ii. p. 79.

to establish her independence, and the National party lost a leader "whose courage and energy were the soul of their councils."

The death of Menteith revived the hopes of the English monarch that he might yet be able to obtain Scotland, and he soon afterwards despatched an ambassador in the person of William de Horton, a monk of St. Albans, to request the presence of King Alexander and his Queen at London to treat of important State matters, which, however, were not allowed to transpire in the Scottish Parliament. But Menteith's spirit had not ceased to exert an influence upon his countrymen, although he was no longer personally among them, and the fruits of his long and devoted struggles to maintain the independence of his country were manifested in the cautious manner in which the Scottish Parliament acted in regard to the proposals of the English King. They had become extremely jealous of the interference of England, and before they consented to the absence of the King from Scotland, they despatched a secret embassy to the English Court, to state the conditions on which alone they would yield to the wishes of the English King.

Historians have recounted some of the prominent incidents in the life of this Earl of Menteith. But they have generally omitted to allude to one important event in his life, the founding of the Priory of Inchmahome on the island of that name in the Lake of Menteith. The original charter or warrant for the erection of the Priory is dated 16th June 1238. It was thus about eight years after his marriage with the Countess that Walter Comyn commenced the foundation of the Priory, which for upwards of three centuries flourished as a religious house, and the ruins of which still form so picturesque a monument on their beautiful island. The foundation attests the piety and generosity of this patriotic Scotchman. The document which authorises the building of the Priory by the Earl of Menteith contains a mandate by Pope Gregory for the renovation and support of the

church of Dunblane, in which it is appointed that the fourth part of the teinds of the churches of the diocese of Dunblane should be given for the support of the church of Dunblane and its bishop. A dispute seems to have arisen between the Earl and the Bishop. In his "Scotland under her Early Kings," Robertson says, "When the Pope granted to the Bishop a fourth of the tithes of the whole diocese for the support of himself, a dean, and canons, the Bishop seems to have abandoned 'all right of pension out of the lands or churches of the Earl of Menteith,' who was permitted to found a house for regular canons at Inchmahomoc, making over the church of Kippen to found a canonry in Dunblane Cathedral, and the church of Callander for the Bishop himself. This arrangement wears very much the appearance of a compromise, as if, at the revival of the see, David had assigned the earldoms of Strathearn and Menteith to the Bishop as his diocese, neither of the Earls, in the first instance, resigning the church lands in their possession until the Earl of Menteith waived all claim to the patronage of the see in return for the permission to found the family Priory of Inch Mahomoc; whilst the Bishop waived all further claim upon the earldom of Menteith in return for the churches of Kippen and Callander."¹

The grave of this great Scotchman is not known. Tradition states that the ancient burial-place of the Earls of Menteith was at Kippen. But this Earl had by his new foundation superseded Kippen as a place of sepulture, and it may be inferred that his remains would find a resting-place in that Priory which his piety had reared in the beautiful "Isle of Rest," where the ashes of his brother-in-law, another Walter, Earl of Menteith, and his Countess are said to repose.

Both Chalmers and Mrs. Cumming Bruce say that Walter Comyn died without issue by his wife Isabella. He appears, however, to have had a son

¹ Early Kings, vol. i. p. 336, note.

Henry, who, as son of the Earl of Menteith, is mentioned as a witness to a charter by Maldouen Earl of Lennox, granted about 1250, restoring to Maldouen, Dean of Luss, and Gillemore his son, certain lands of Luss.¹ He probably predeceased his father, as no mention is made of him after the latter's death. The Earl certainly left a daughter, Isabella Comyn. His estates of Badenoch may have been inherited by his nephew and heir-male, William, the son of Sir John Comyn, his brother; and the earldom of Menteith should have been inherited by his daughter, Isabella Comyn. But owing to the proceedings of her mother, who survived her husband, the earldom was transferred to Lady Mary, the younger sister of Isabella Countess of Menteith, and her husband, Walter Stewart, as hereinafter explained in the Memoir of the Countess Mary.

¹ The Lennox, by William Fraser, vol. ii. p. 405.



Seal of Alexander Comyn, Lord of Buchan.

ISABELLA COUNTESS OF MENTEITH.

SIR JOHN RUSSELL, KNIGHT, HER SECOND HUSBAND.

1258—*Circa* 1273.

THE history of this lady after the death of her first husband, Walter Comyn, Earl of Menteith, as well as the history of her daughter, Lady Isabella Comyn, illustrates the misfortunes which in those days frequently attended the succession of an heiress to a great territorial estate.

The grave had not long closed over the Countess's first husband, the Earl of Menteith, when she married Sir John Russell, an English knight of somewhat obscure origin. This marriage was very unpopular, and fraught with disaster to the parties themselves as well as to the earldom of Menteith. The intelligence of the event was received with indignation, alike by the family of her late husband and the Scottish nobility. It is probable that some of the latter had themselves hoped to receive the hand of the Countess in marriage, and with her the large domains which constituted the earldom. Their chagrin at seeing an Englishman gain the prize was none the less keen because of the slight thus shown to their own addresses by the Countess, and there seems little doubt that the charge of poisoning her late husband, which was brought against the unfortunate lady, originated among the nobles. This accusation, if it had been true, was a very grave one, for the life of the Earl of Menteith at such a time was valuable to Scotland. As head of the Regency, he was King in all but the name, while his many services to his country had brought him into high favour and popularity. His party, who were then in power, seem to have entertained the charge; and though it was never substantiated by

proof, they made it a pretext for throwing both her and her second husband into prison and confiscating the earldom. Prominent amongst those who wished to dispossess the Countess was Sir John Comyn, younger brother of Walter Comyn, late Earl of Menteith. Sir John's son, William Comyn, having married his cousin, Lady Isabella Comyn, only daughter of Earl Walter, he claimed the earldom on behalf of William Comyn and his wife. But the claim was unsuccessful, for Walter Stewart, a brother of Alexander the High Steward of Scotland, one of the Regents, having married Lady Mary, younger sister of Isabella Countess of Menteith, taking advantage of the unhappy position of his sister-in-law, also laid claim to the earldom. Favoured no doubt by the influence of his brother, the High Steward, and the other members of that powerful family, Walter Stewart succeeded, with the authority of Parliament, in obtaining the earldom,¹ and was thereafter known as Earl of Menteith.

Meanwhile the Countess Isabella and her second husband were deprived of all power and authority over the earldom of Menteith. The Countess, indeed, was detained in prison by the Regents and the party acting for her brother-in-law. Apparently for the purpose of obtaining her release, and probably before being deprived of the whole earldom, she was induced to make, with the consent of her second husband, a grant of part of it, being a twenty pound land in Aberfoyle. The grant was made in favour of Sir Hugh of Abernethy, and was witnessed by two of the Regents, Alexander Comyn, Earl of Buchan, and William Earl of Mar.² On being afterwards set at liberty, the Countess, unwilling and unable to bear the taunts and insults of her adversaries, and having received a sum of money, quitted her native country, and retired with her husband to England.

¹ Fordun, Lib. x. cap. 11.

lithographed from the original in the Douglas

² Vol. ii. of this work, p. 213. Printed and Charter-chest.

Chafing under the injustice of the enforced banishment from her own country and the deprivation of her earldom, the despoiled Countess, in her retirement, put forth what efforts she could to regain possession of her ancestral domains. She went to the Court of King Henry the Third of England at Windsor, made known her case to him, and showed the convention made between her father, Maurice junior, and her uncle, Maurice senior, by which the earldom had been given to her father, with the charter by which King William the Lion confirmed the earldom to her father, in terms of the convention, both of which writs King Henry certified to be true and authentic evidents of her right.¹ More he could not do, as his jurisdiction did not extend beyond the Borders. Aided by these documents, the Countess next appealed to Pope Urban the Fourth, complaining of the injuries which had been done to her, and that she had been unjustly deprived of her inheritance. The Pope listened favourably to her complaints, and sent a nuncio, one Pontius, to York, with special powers to make inquiry into the alleged wrongs of the Countess. This legate, when he came, cited Walter Stewart, as the possessor of the earldom of Menteith, with the bishops, abbots, and almost the whole nobility of Scotland, to give testimony in the case. Such proceedings, says Fordun,² were contrary to the privileges of the King and of the kingdom of Scotland. King Alexander the Third resented the action of this nuncio as oppressive to himself, and also to his subjects, in citing them to appear and answer in judgment beyond the limits of the kingdom. He declared himself ready to judge the case according to the laws of his own realm, but refused to allow himself or his kingdom to be oppressed in this manner. He therefore appealed from the Pope's legate to the Pope himself, who, seeing that nothing was to be gained from this action, considered it prudent to remit the case to

¹ Vol. ii. of this work, p. 214.

² Fordun, Lib. x. c. 14.

several bishops in Scotland, and to leave it in their hands. This he did by a somewhat lengthy letter to the Bishops of St. Andrews and Aberdeen, and the Abbot of Dunfermline, of which, on account of its importance, a translation is here given.

“Urban, etc., to our venerable brethren, [Gamelin] of St. Andrews and [Richard] of Aberdeen, bishops, and to our beloved son, [Matthew] Abbot of Dunfermline, of the diocese of St. Andrews, greeting, etc. It has been declared before us, on behalf of our very dear son in Christ, [Alexander,] illustrious King of Scotland, that when a noble man, Walter Bulloc (Stewart), and a noble woman, Mary Countess of Menteith, his wife, had brought an action before the said King against a noble man, John Russel, of the diocese of Ely, and a noble woman, Isabella his spouse, for intending petitory and possessory rights concerning the earldom of Menteith in the kingdom of Scotland, which each party declared they ought to hold in fee from the said King, and anent which Walter and Mary foresaid complained that the said John and Isabella wronged them, the said King having heard what the parties wished to lay before him concerning their possessory rights, his own petitory right being held in suspense, and having understood the merits of the case, the order of law being observed, he, in presenee of the foresaid John Russel and Isabella, adjudged the possession of the said earldom, with its rights and pertinents, to Walter and Mary, by a definitive sentence, the rights of either party over the property of the said earldom being nevertheless reserved.

“But we were afterwards informed that, although a marriage was lately celebrated between the foresaid John and Isabella, with the consent of the King himself in that realm, according to the custom there, and that certain noble men, the Earls of Mar, Buchan, and Strathern, Alan Durward, and others their vassals, had taken an oath of fidelity to them, nevertheless

the said Earls and Alan, with certain noble men, Malcolm, Earl of Fife, John Comyn, Alexander Oviot, and also Alan, called the son of the Earl, Hugh of Berkeley, David of Graham, David of Lochar, Reginald called the Chen, Hugh of Abernethy, and Freskin of Minteve (Moray), with others their accomplices of the said kingdom, because the said John Comyn and his associates maliciously and falsely charged the said John Russel and Isabella his wife, though vowed crusaders (*crucesignatis*), with having killed the late Walter Comyn, formerly husband of the said Isabella, by wickedly administering poison to him, had hastily caused that husband and wife to be taken and detained captives until they were compelled by violence and the fear of what should happen if they resisted, to give to the Earls and Alan aforesaid certain annual rents, lands, and possessions belonging to themselves, the earldom of Menteith with all its rights and pertinents, with the right also which they exercised therein, to be renounced by their letters-patent, and to grant the earldom itself to the foresaid John Comyn and his heirs, to be possessed by them for ever. And notwithstanding this, [the said John and Isabella were forced] to take an oath that they would depart out of the kingdom, and in no wise return thither unless they had first betaken themselves to parts beyond the sea and had been recalled by John Comyn, and that they should not be able to return to the said kingdom upon such recall unless they had a mind to clear themselves from the charge of the murder of the foresaid Walter Comyn, by seven barons of the said realm, or more, their Peers, according to the good pleasure of the said John Comyn, and until they had delivered a noble man, Robert Russel, brother of the said John Russel, to the foresaid John Comyn as a hostage, to be detained by him until they should resign the charters of the foresaid earldom and its pertinents to the said John Comyn in perpetuity. To such information it was added that John Comyn, the earls and others above mentioned, in opposition to the

foresaid John Russel and Isabella, while detained in prison, and undefended by the authority of the King, while as yet a minor, on this account, though it was not proved that they had committed the foresaid crime, had procured the foresaid earldom, which they (John and Isabella) had been compelled to renounce, as above related, to be decerned away from them, and had caused the said Walter Bulloc, pretending concerning the said earldom and its pertinents that the said Mary his wife was the heiress of the same, to be invested therein contrary to justice; and notwithstanding this, the [said Earls] had compelled the said Isabella wholly to renounce her dowry, and forced the said John Russel to consent to this renunciation: And thus the foresaid vowed crusaders (*crucesignati*) had incurred heavy losses and expenses, and the fulfilment of their vow was hindered.

“Wherefore we by our letters gave commandment to our beloved son Pontius Nicolas, our chaplain, Provost of the Church of Mont Cenis, that he should proceed to the said earldom, or to the said kingdom if he could safely do so, otherwise to pass personally to parts adjacent to the said kingdom, and to summon those who should be summoned, with power to him that if, on more diligent inquiry into the truth of these things, quietly and without the bustle of courts, it should so appear, then he should, notwithstanding the gift, grant, resignation, renunciations, letters, oath and judgment foresaids, cause the said earldom, with all its rights and pertinents, and the said rents, lands, possessions, and dowry, and all other the foresaid goods in such wise seized by the said nobles, to be restored to the said crusaders (*crucesignati*), and also procure them satisfaction for the losses and expenses which they had incurred on this account, coercing to that end by ecclesiastical censure contradicters of our authority.

“The foresaid Provost, however, exceeding the terms of our mandate, though he could safely have reached the foresaid kingdom, yet aspiring, as the event

shows, to aggrieve the said King and kingdom, cited the King himself, and several prelates and earls, barons and nobles, and others of that realm, to his presence without the said kingdom, and unduly adjudged the earldom, lands, possessions, and goods foresaid to John Russel and Isabella his wife ; and because many bishops and other prelates, earls, barons, nobles and others of the said earldom objected to him that they ought not to be called for this matter out of the kingdom, being unwilling to plead or to obey him in that place, as indeed they were not bound to do, he promulgated various sentences of excommunication, suspension, and interdict, and caused the whole foresaid kingdom to be placed under ecclesiastical interdict, to the prejudice and grievance of the King and others foresaid. Wherefore the foresaid King sought that the process of the said Provost, so far as it had gone, might be revoked, that Pontius be interdicted from interfering further in this cause, and that the foresaid sentence of interdict should be recalled.

“ But because, as we have otherwise learned that out of this procedure of the said chaplain grievous scandal has arisen amongst the prelates, nobles, and other persons of that realm, we, who warmly embrace the said kingdom in the arms of affection, on account of the sincere devotion which its King and inhabitants bear towards Rome, and are known to have hitherto borne towards the Church, in this matter desiring, as by the office of apostleship laid upon us we are bound to provide for the dispensation of justice without injury, that this scandal may be removed, and the imminent dangers to souls arising therefrom may be obviated, remit to your discretion that after calling those who require to be called, and hearing what is to be said on both sides, you decree in this matter according to justice, appeal being postponed, and cause your decree to be strictly observed on pain of ecclesiastical censure, provided that you presume not to intermeddle with those things which belong

to the jurisdiction of the said King, and are not matters for an ecclesiastical court. This you shall do, notwithstanding any letters prejudging truth and justice which have been obtained from the apostolic see. And you may by ecclesiastical censure compel witnesses to attest the truth. If, however, all of you cannot be present at the execution of these commands, two of you shall make it your care to observe them. Given at Rome, 2d January, in the third year of our pontificate (1264)."¹

Thus the Pope himself was baffled to allay the commotion raised by this second contention about the earldom of Menteith, which on this occasion threatened most serious consequences. As it was, the proceedings culminated in Scotland being laid under interdict. One cannot but admire, however, the spirit of sturdy independence displayed, not only by King Alexander the Third and his nobles, but even by the Scottish clergy, in opposition to the insolent attempts of the Papal nuncio to treat Scotland as if it were a petty Italian village. Their stern refusal threw the Pope into the dilemma of either carrying out the interdict, or giving up the contest, and he chose the latter alternative by referring the matter to the judgment of the Scottish prelates mentioned in the document, with full power to bring the question to a speedy conclusion and to enforce their decision, but warning them withal not to encroach on what pertained to the jurisdiction of the King.

It does not appear that any advantage resulted to the Countess from this recommittal of her case. It was too evidently a matter for King Alexander's own prerogative for the bishops to risk the raising of the question, and it was allowed to subside. The Countess herself deemed it useless to pursue her claim further at the Scottish Court, and so forbore. Meanwhile the earldom and title remained in the possession of Walter Stewart, who had already for

¹ Theiner's *Vetera Monumenta*, p. 93, No. ccxxxvii.

some years acted as Earl of Menteith. In the year 1262 he confirmed a grant of the Church of St. Colmanel, in Kintyre, to the Abbey of Paisley, and in the deed styles himself Walter Stewart, Earl of Menteith.¹

As nothing more is known of the Countess, who was now advanced in life, it may be presumed that she ended her days in exile in England, it is thought about the year 1273, and that she was buried among the ancestors of her second husband, Sir John Russell.

Who this Englishman was has never been clearly ascertained. Buchanan, following Boece, calls him "ignoble;" but there is some probability that he was the John Russell who, at York, on 15th June 1220, swore, with several powerful English barons, on behalf of King Henry the Third, to do all in their power to promote the marriage of King Alexander the Second with the Princess Joan, the eldest sister of the English King, and failing her, with her younger sister, the Princess Isabella.² On this occasion Walter Comyn was also present at York, and performed a similar service for the Scottish monarch.³ If this be so, Sir John Russell was probably the same person who is mentioned in an agreement between King Henry the Third and his aunt Berengaria, Queen of the late King Richard the First, respecting her dowry, made at London in the month of July the same year, 1220, as "our seneschal," whom the King caused to swear that he would observe and defend that arrangement,⁴ and assist in the fulfilment of its conditions.

It is possible that this John Russell may have been a member of the distinguished family of Russell, afterwards Dukes of Bedford. The first known member of that family appears to have been John Russell, who, in the year 1202, being the third year of the reign of King John, gave fifty marks for licence to marry the sister of Daun Bardolf. Kingston Russell, in the county of Dorset,

¹ Vol. ii. of this work, p. 216.

³ Rymer's *Fœdera*, vol. i. p. 161.

² Rymer's *Fœdera*, vol. i. p. 160.

⁴ *Ibid.* p. 162.

was the property of the Russells, who, according to an old record in the time of King Henry the Third, held the lands by grand serjeantry, on condition that they should present a cup of beer to the King on the four principal feasts of the year. That John Russell was said to be a son of Robert Russell, and Constable of Corfe Castle, in the county of Dorset, in the year 1221, and from him the Bedford Russells appear to derive their descent. No mention is made in the account of the Russells of Bedford of the marriage of Sir John Russell and the Countess of Menteith. If the John Russell of 1202 and 1221, who is said to be the ancestor of the Bedford Russells, had been the husband of the Countess of Menteith, it is probable that some notice of the marriage would have appeared in the accounts of the Bedford family; although as there does not appear to have been any issue of the Countess's second marriage, it may have dropped out of sight, especially as their descent would be derived from a previous marriage of Sir John. If the husband of the Countess of Menteith was not the direct ancestor of the Bedford family he was probably a member of it, as the Christian name of John was common even at that early date in the family, has always been so, and in modern times has been borne by distinguished members of it, both Dukes and Earls.¹

¹ When the writer was at the Lake of Menteith in the summer of 1878, he had the pleasure of meeting at Lochend, under the hospitable roof of Admiral Erskine, Lord Edward Russell, another admiral, who was much interested in the story of the marriage

of the Countess of Menteith and Sir John Russell, the alleged ignoble English knight. It was quite new to him, and some amusement was occasionally created by reference to his supposed ignoble ancestor.

LADY ISABELLA COMYN

AND

WILLIAM COMYN, LORD OF KIRKINTILLOCH, HER FIRST HUSBAND.

1273—1291.

LADY ISABELLA COMYN, the only surviving child of Walter Comyn, Earl of Menteith, and Isabella his Countess, after the death of her father, shared the misfortunes which overtook her mother on her marriage with Sir John Russell. After the death of her mother, Lady Isabella maintained her claim as the true heir to the earldom of Menteith, which, as previously stated, had been given by the King and Parliament to Walter Stewart, the husband of her aunt, Lady Mary.

By a family arrangement, Lady Isabella Comyn married her cousin, William Comyn of Kirkintilloch, who became chief of the great Comyn family after the death of his father, John Comyn, younger brother of Walter Comyn, Earl of Menteith. The precise date of the marriage has not been ascertained. But it was previous to the year 1273, as in that year the question of the right to the earldom of Menteith was raised on behalf of William Comyn, the husband of Lady Isabella.

Sir John Comyn, the father of William, was one of the most powerful barons of Scotland during the minority of King Alexander the Third. On the death of his brother Walter, Sir John became the chief of the family of Comyn, and one of the regents of Scotland. He was one of the magnates of Scotland to whom King Henry the Third of England promised, in the event of the death of King Alexander, to deliver up the infant

Princess Margaret of Scotland, if her mother Queen Margaret should die while at the English Court.¹ It was this Sir John Comyn who, while the Countess Isabella was in prison after her marriage with Sir John Russell, compelled her to renounce the earldom in his favour. Sir John Comyn belonged to the National party, but the opposite party were successful in obtaining it for one of themselves, Walter Stewart, who was permitted to enjoy it till 1273, when Sir John Comyn revived the question of the earldom of Menteith on behalf of his son, William Comyn, and his wife Isabella, the heiress; and by instituting proceedings at York, sought to regain possession of the earldom from Walter Stewart and his wife, Lady Mary. The claim must have been vigorously prosecuted, as the historian Fordun describes it as a great litigation, and he mentions the wife of William Comyn as the daughter of the former Countess, and the true heir.² But the result of this new suit was as unsuccessful as when the Countess herself and her second husband, Sir John Russell, first made the claim in the year 1262. King Alexander steadfastly refused to permit a claim which referred to an earldom within his own kingdom to be prosecuted in England, or anywhere else, before foreign judges.

Walter Stewart and his Countess retained possession of the entire earldom for twelve years more, until 1285, when a settlement of the question was made by King Alexander and his Parliament at Scone. It was then decided that the earldom of Menteith should be divided into two portions, one-half to be retained by Walter Stewart, including the principal messuage or castle, along with the title of Earl, as the dignity was usually attached to it, while the other half was erected into a free barony, and given to William Comyn, in right of his wife. Thus the dignity of Earl of Menteith was lost to the Comyns, although they still held half of the lands in the

¹ Rymer's *Fœdera*, vol. i. p. 402.

² Fordun, Goodall's edition, vol. ii. p. 120.

person of the husband of Lady Isabella. The settlement made by King Alexander is thus recorded by Wyntoun:—

A thowsand twa hundyr foure scor and fyve
 Yheris frá borne wes God of lyve
 Alysandyr the Thryd, oure Kyng,
 Gert mak at Scone a gret gadryng
 The sextene day eftyr Pásce.
 Quhen thare the Státis gadryd was,
 Willame Comyn than of Lawch,
 The Lordis brodyr of the Badonauche,
 The erldwme of Monteth began
 Before the Kyng for to pled than.
 The Kyng than of his cownsale
 Made this delyverans thare fynale ;
 That erldwme to be delt in twá
 Partis, and the táne of thá
 Wyth the chemys¹ assygnyd he
 Til Walter Stewart : the láve to be
 Made als gud in all profyt ;
 Schyre Willame Comyn till haŵe that qwyt,
 Til hald it in fre barony
 Besyd the erldwme all qwytly.²

The portions which formed the earldom and the barony respectively have not been ascertained, as no record of the proceedings appcars to have been preserved, and the separation then made seems not to have continued for

¹ Macpherson, in his excellent edition of Wyntoun's Chronicle, has printed "themys" instead of "chemys," meaning the chief message. Lord Hailes also, in his Sutherland Peerage Case, chapter v. § 4, p. 17, has fallen

into the same misreading. He assumes that "themys" implies the serfs on the estate.

² Wyntoun, Macpherson's edition, vol. i. p. 397.

any length of time. On the death of Lady Isabella Comyn or Hastings without issue, the baronial portion of Menteith probably descended to her cousin, Murdach, Earl of Menteith, the grandson of Lady Mary, Countess of Menteith, and the nearest heir, who in that character, would inherit the barony, and thus reunite both portions into which the earldom was divided on the compromise.

William Comyn, Lord of Kirkintilloch, was one of the Barons who attended the Convention at Brigham on the Friday after the Feast of St. Gregory (18th March) in the year 1289, and he subscribed the letter of the *Communitas* of Scotland prepared at that meeting to be sent to King Edward the First of England respecting the marriage of that King's eldest son with Margaret the Maid of Norway.¹ On the 15th January 1291, Edward granted the keepership of the forest of Traquair and Selkirk to William, son of John Comyn, to be held by the grantee at the King's pleasure.²

These documents show that William Comyn was alive until January 1291; but his death without issue by his wife the heiress of Menteith, before the 2d of June of that year, is instructed by the claim which was made on that date by John Comyn, his next younger brother, as one of the competitors for the crown of Scotland.³ In that claim John Comyn states that William, his elder brother, died without heirs of his body.

The accomplished authoress of "*The Bruces and the Cumyns*"⁴ states that Lady Isabella Comyn was not the daughter of Walter Comyn, Earl of Menteith, by Isabella his Countess, but of the Countess by her second marriage with Sir John Russell.⁵ There is no ground, however, for such a theory. Lady Isabella is expressly called by the surname of Comyn in a

¹ Rymer's *Fœdera*, vol. i. p. 730.

³ Rymer's *Fœdera*, vol. i. p. 755.

² Vol. ii. of this work, p. 221.

⁴ Mrs. Cumming Bruce.

⁵ *The Bruces and the Cumyns*, p. 404.

contemporary legal document, which of itself is sufficient evidence.¹ In no instance is she ever called Isabella Russell, which would have been the case if she had been the daughter of the Countess and Sir John Russell.

If it is further borne in mind that Lady Isabella was married before 1273, when the claim to the earldom was prosecuted by her husband and his father on her behalf, it will be evident that she could scarcely have been the daughter of Sir John Russell, the advanced age of the Countess of Menteith being also considered. It is, moreover, probable that Lady Isabella was married to her cousin William Comyn before the death of the Earl of Menteith her father, and that this was the cause of the strong measures employed by Sir John Comyn, the father of William, to wrest the earldom from the aged Countess. Indeed, Mrs. Cumming Bruce herself alleges that it was intended that William should become Earl of Menteith.²

That Lady Isabella was not the heiress to the lands of Badenoch possessed by Walter Comyn is not sufficient proof that he was not her father. He could not have foreseen the disasters which befell his Countess and daughter after his decease, and he would probably consider Lady Isabella sufficiently provided for in the earldom of Menteith, which would fall to her on his own and her mother's death. He may thus have disposed of the lordship of Badenoch to his nephew John, the Black Comyn, afterwards a regent and a competitor for the Scottish crown, although the latter is not named in contemporary documents as Lord of Badenoch until after the death of his brother William. It added to the strength of the Comyn family to have among their members as many landed proprietors as possible, and the Earl of Menteith was one who would do his utmost to preserve and strengthen family influence. It may also have been the case that the lordship of Badenoch was granted to the Comyns with a limitation

¹ Vol. ii. of this work, p. 221.

² The Bruces and the Cumyns, p. 407.

to heirs-male. Badenoch was acquired as a reward for deeds of valour done by Walter Comyn and his father William Comyn, and being a turbulent district of the country, but recently brought under subjection, it was scarcely meet that its control should be put into the hands of a young lady at such a time.



Seal of Sir John Comyn, son of the Earl of Buchan, *circa* 1280.



Seal of Sir John Comyn, *circa* 1285.

LADY ISABELLA COMYN

AND

SIR EDMUND HASTINGS, LORD OF INCHMAHOME,
HER SECOND HUSBAND.

1292—1314.

BY the death of her first husband in 1291, the gift of Lady Isabella Comyn's marriage fell to the disposal of the Crown. The unhappy death of King Alexander the Third at Kinghorn had left Scotland without a sovereign; and King Edward the First of England, as pretended Lord Paramount, was practically governing Scotland. To him the claims of all the aspirants to the vacant crown had been submitted as arbiter, and he had obliged the claimants themselves to swear fealty to him as his vassals. Towards the end of the year 1292, the claims of John Baliol were preferred by Edward to those of the other competitors for the throne of Scotland, and he was vested in it as a vassal of the English King.

Among his first acts as King of Scotland, Baliol sought to secure the marriage of Lady Isabella Comyn for his own disposal, and to this end he obtained from her an assurance on oath that she would not marry without his consent. King Edward, however, was exercising his assumed prerogative of Lord Paramount by bestowing grants of lands in Scotland upon his own followers, making as many of them as he could sheriffs and officers throughout that country, that he might the better retain his hold upon it, and had intended the hand of Lady Isabella Comyn for one of his English knights, Sir Edmund Hastings. He therefore, on the 5th January 1293, directed a

mandate to John Baliol, King of Scotland, which, while it shows the King's purpose, has also an important bearing as valuable evidence of the marriage of William and Isabella Comyn. The mandate narrates that when Edward himself held the kingdom of Scotland, he would have given the marriage of Isabella Comyn, relict of William Comyn, to Sir Edmund Hastings, and directs Baliol to absolve Lady Isabella from the oath which he had extorted from her that she would not marry without his consent.¹

Baliol was not in a position to refuse compliance with this demand of Edward's, and accordingly the marriage of Lady Isabella Comyn with Sir Edmund Hastings took place, probably in the same year. On the 14th of March 1306, she, as "*Domina Isabella uxor Domini Edmundi de Hastings,*" did homage to Edward the First, probably at Lanercost, where Edward then lay, for a portion of her estates in the counties of Forfar and Stirling.² Whatever rights were inherited by Isabella in the earldom of Menteith were enjoyed by her and her second husband conjointly. The title of Countess was not allowed to her, having been given to her aunt Lady Mary, the wife of Walter Stewart, and the dignities of the earldom had descended to their eldest son Alexander and his son Alan.

It was about this time, and while Sir Edmund Hastings held the one-half of the earldom of Menteith, that the course of events brought the other half into the possession of his elder brother Sir John. Alan, Earl of Menteith, was one of the adherents of Robert the Bruce, and for his attachment to him was, when taken after the battle of Methven in 1306, imprisoned by King Edward, and his portion of the earldom was granted to Sir John Hastings. The two brothers, John and Edmund Hastings, thus held, at the same time, the entire earldom of Menteith between them. Sir John, by a special grant, held one portion, and Sir Edmund held the other by his marriage with the

¹ Vol. ii. of this work, p. 221.

² Rymer's *Fœdera*, vol. i. p. 995.

heiress, though neither of them received the title of Earl of Menteith, as King Edward would not wish to offend the one brother by granting the dignity to the other.

Sir Edmund Hastings, the second husband of Lady Isabella Comyn, was a younger brother of Sir John Hastings, one of the competitors for the crown of Scotland. Although Englishmen and loyal knights of King Edward the First, they were of Scottish royal extraction as descendants of the Princess Ada, third daughter of David Earl of Huntingdon, brother of King William the Lion.¹ Ada married Henry of Hastings, and left a son Henry, the father of John and Edmund.² The elder brother John having been born about the year 1251, it is probable that Sir Edmund's birth took place within a few years later. He would thus become of age about 1276.³

Though connected with Scotland by blood, and holding large possessions there, Sir Edmund Hastings was more attached to England, and during the whole of his life was a constant supporter of King Edward. He was especially active in his assistance when that King was attempting the subjugation of Scotland, so that his name occurs frequently in the annals of the time. His valour won him especial favours from the English King, among which was the hand of the heiress of Menteith; and he received several additional grants of lands during Edward's usurpation of the superiority of Scotland, before and during the reign of Baliol.

King Edward exercised his assumed power in an arbitrary spirit, by placing English governors in the Scottish fortresses, and by giving grants of land to his own English favourites, which acts the Scots resented on every favourable opportunity. On an outbreak of hostilities between England and France, the Scottish nobles forced Baliol to throw off the supremacy of

¹ Rymer's *Fœdera*, vol. i. p. 776.

² Fordun, ed. Hearne, vol. iv. p. 964.

³ *Siege of Carlaverock*, by Sir Harris Nicolas, p. 299.

Edward, and at the same time dismissed all Englishmen from the Scottish Court, seized upon the estates held by English barons in Scotland, and banished their proprietors. Sir Edmund Hastings was one of the latter. After defeating the Scottish army at Dunbar in the year 1296, Edward granted letters to those who had been thus banished. They were directed to the sheriffs of the various counties in which lay the lands they had formerly received; and Sir Edmund Hastings carried missives addressed to the Sheriffs of Stirling, Edinburgh, Perth, Angus, and Aberdeen, directing them to restore his lands which had been escheated. These letters are dated 8th September 1296.¹

Some of the lands thus restored had been in the possession of the Hastings family for a considerable time, and were not new favours from King Edward. The members of that family who settled in Scotland in the reign of King William the Lion acquired from that King the Manor of Dun² and the lands of Kingoldrum;³ and a later member, by marrying the daughter of Henry Earl of Athole, acquired the earldom of Athole, and became Earl in right of his wife.⁴ Some of these lands seem to have descended to Sir Edmund Hastings. He certainly had the lands of Brothertown and land in Innerberrie, both in the county of Kincardine,⁵ as well as certain lands in Dundee.⁶ Sir Edmund was one of the barons of England, and must also have had considerable possessions in that country. In a memorandum which narrates that he had become surety for John Drummond of Scotland, who had been taken prisoner at the battle of Dunbar, he is designed Edmund of Hastings of the county of Suffolk.⁷ John Drummond had been confined

¹ Rotuli Scotiæ, vol. i. p. 30.

⁴ Chronica de Mailros, p. 155.

² Caledonia, vol. i. p. 592.

⁵ Robertson's Index, p. 1.

³ Registrum vetus de Aberbrothoe, p. 87.

⁶ *Ibid.* p. 26.

⁷ Rymer's Fœdera, vol. i. p. 872.

in the prison of the castle of Wisbeach, and was to be released on the bond of Sir Edmund Hastings, with the condition that he would serve King Edward in his war with France. This incident is important, as showing the connection of the families of Menteith and Drummond, and has already been adverted to in the Introduction to this work.

The appearance of Wallace as the patriotic asserter of the independence of Scotland proved disastrous to the peaceful enjoyment by the English of their restored estates in Scotland. Sir Edmund Hastings was probably among the first who suffered, as an attack on the Lennox and the adjacent lands was one of the early exploits of Wallace. Sir Edmund Hastings and his wife may have retired to his estates in England, as the continued success of Wallace's persistent attacks upon the English in Scotland would deprive him of all comfort in his beautiful Menteith residence. It is, however, more likely that he was obliged to take the field, as the frequency with which summonses were at this time issued by Edward for the mustering of his troops to proceed against the Scots, sufficiently attests the difficulty he had in counteracting the exertions of Wallace.

On 26th September 1298, Sir Edmund Hastings was summoned by letter from King Edward to attend a muster of his troops at Carlisle in the following May for service against the Scots. He was requested to bring arms and horses with him.¹ This meeting was afterwards adjourned to the 2d of August,² and another letter, attested by Edward at Canterbury on 16th July, discharged the meeting altogether, on account of his own inability to be present through the hindrance of some arduous business; but the same letter warned the barons to be ready at forty days' notice to obey his summons.³ Sir Edmund Hastings was again requested to provide arms and horses, and to

¹ Rymer's *Fœdera*, vol. i. p. 899.

² *Ibid.* p. 909.

³ Palgrave's *Parliamentary Writs*, vol. i. p. 322.

come with them to York on the morrow of St. Martins (11th November), 1299.¹ On the 29th of December of that year he was summoned by letter from Edward, then at Berwick-on-Tweed, to attend Parliament on the 6th of March 1300;² and on the following day, the 30th December, from the same town, Edward declared his intention of firmly and energetically repressing the perfidious and wicked rebellion among the Scots, and called Sir Edmund Hastings to Carlisle, on the 24th of June 1300.³ This summons the latter obeyed, for we find him enrolled among the knights present at Carlaverock, when it was taken by Edward on the 10th or 11th of July 1300. Sir Edmund is described by the author of "The Siege of Carlaverock," who is supposed to have been Walter of Exeter, a Franciscan friar, as the valiant brother of Sir John of Hastings, who could not fail of those honours which he took so much pains to acquire.⁴

The English Parliament was summoned to meet at Lincoln on the 20th January 1301, and during its session the famous letter by the Earls and Barons of England to Pope Boniface was written and sealed by them. This letter is preserved in duplicate in the Public Record Office, London. Sir Edmund Hastings was present at this Parliament, and appears in the letter as one of the Barons. He is designated "Dominus de Enchimchelmok," and the legend on his seal is—

"S. Edmundi Hasting Comitatus Menteithi."

These designations plainly show that this Edmund Hastings was Lord of Inchmahome or Inchemacolmoc, as it was sometimes called, and that he used the seal of arms of the earldom of Menteith, to which he was entitled in right of his wife, the heiress.

¹ Palgrave's Parliamentary Writs, vol. i. p. 324.

² *Ibid.* p. 82.

³ *Ibid.* p. 327.

⁴ The Siege of Carlaverock, by Sir Harris Nicolas, p. 57.

His designation and his armorial seal puzzled the late Sir Harris Nicolas, who in describing the seals attached to the letter, presumed that Enchimchelmok was a place in "St. David's, in Wales." That, however, was a mistake, arising from Sir Harris being unaware of Sir Edmund's connection with the earldom, and misunderstanding his real position as husband of the heiress of Menteith. The cognisance on the seal of Sir Edmund Hastings as used by him in the letter to the Pope has already been explained in the Introduction, and it is unnecessary to repeat here the observations there made upon it.

During the next ten years Sir Edmund Hastings received repeated summonses to attend Edward the First and, after his death, Edward the Second, in their incursions into Scotland. At other times he was commanded to attend Parliament as a Baron of the English realm, but on such occasions it was frequently deemed prudent to grant him a dispensation from attendance, and to keep him in Scotland, where he was stated to be carrying on the war against the Scots.¹

In the year 1312 Sir Edmund Hastings was appointed by King Edward the Second to the important office of keeper of the town of Berwick-on-Tweed, the key of Scotland. In that capacity he received a letter from the English King, dated the 28th of April 1312, in which he is also called Constable of his Majesty's Castle of Berwick, instructing him to release Isabella, wife of John, late Earl of Buchan.² The barbarous and cruel imprisonment of this lady in an open cage, in the town of Berwick, for the patriotic act of placing the crown on the head of King Robert the Bruce six years before, is a stain upon the humanity of the English monarch who inflicted such a punishment. Again, on the 3d May, William of Bevercote,

¹ Rotuli Scotiae, vol. i. p. 52; Palgrave's Parliamentary Writs, vol. i. *passim*.

² Rymer's Fœdera, vol. ii. p. 209.

Chancellor of Scotland, was commanded to pay out of the customs of the Port of Berwick certain sums due to Sir Edmund Hastings.¹ He was superseded in his office of keeper of the town of Berwick on the 30th of November 1313, when a letter was addressed to him by King Edward the Second, directing him to hand over the custody of the town to his successor, Radulph the son of William.²

The last notice of Sir Edmund Hastings upon record occurs in a writ issued by King Edward the Second at Berwick-on-Tweed on 30th June 1314, a few days after the battle of Bannockburn. He was one of upwards of three hundred who were summoned to assemble with all the forces they could command, at Newcastle-on-Tyne on the 15th August, for the purpose of repelling the attacks of the Scottish army on the Borders.³ Where and how Sir Edmund died is not known, but he certainly never got the opportunity of returning to the island home of which he could once boast that he was lord.

No notice of Lady Isabella Comyn is found after the year 1306, when she performed homage to King Edward the First, and whether she predeceased or survived her second husband has not been ascertained. She is not known to have left any children by either of her husbands, and with her ended the connection of the great family of Comyn with the earldom of Menteith. Her portion of the earldom was probably bestowed by King Robert the Bruce on her cousin and nearest heir, Murdach, younger brother of Alan, Earl of Menteith, who had suffered much from the Edwards for his attachment to Bruce, as will appear in the memoir of him given in a subsequent chapter of this work.

¹ *Rotuli Scotiae*, vol. i. p. 110.

² *Ibid.* p. 114.

³ *Palgrave's Parliamentary Writs*, vol. ii. Div. II. p. 429.

MARY COUNTESS OF MENTEITH

AND

WALTER STEWART, FIFTH EARL OF MENTEITH, POPULARLY
CALLED BAILLOCH, HER HUSBAND.

1258—1295.

THE Lady Mary Menteith was the younger of the two daughters of Maurice, Earl of Menteith. As already shown, Lady Mary and her husband, Walter Stewart, obtained the dignity and the earldom of Menteith.

Walter Stewart, popularly called Bailloch, Bullock, or The Freckled, was the third son of Walter, the third High Steward of Scotland. Before Walter Stewart obtained the earldom of Menteith, after which his position made him a very prominent person in the history of Scotland, his name appears in several charters and documents of the reign of King Alexander the Second. In a charter by Patrick, Earl of Dunbar, to the church of Melrose of lands in Hassington, dated at Berwick, 18th April, in the thirty-fourth year of the King's reign (1248),¹ one of the witnesses is Walter, son of Walter the Steward.

Along with his brother Alexander, the High Steward, who was called the Scottish Hardyknute, and several others, Walter Stewart accompanied

¹ Liber de Melros, vol. i. pp. 210-214.

King Louis the Ninth of France, called St. Louis, to the Holy War in the years 1248 and 1249, when they rendered valuable service in Egypt. On his return, after the death of King Alexander the Second in 1249, and the accession of his son King Alexander the Third, he found the kingdom of Scotland divided into two powerful factions, who struggled with each other for the supremacy. Walter Stewart sided with the party which favoured the interests of the King of England, but this may have been more for the purpose of keeping the powerful Comyn family in check than for furthering the claims of the English Kings on Scotland; and it is very likely that this was the real reason for Walter Stewart's position during the minority of Alexander the Third, for in the latter part of that King's reign, and after his death, he proved himself as true a friend to the national interests of his country as any of her other nobles.

In 1255, Henry the Third of England, in answer to the complaints of his daughter the Queen of Scotland, sent several Barons to Scotland to learn through them how matters really stood; and he commissioned them by letters to receive into his protection a number of the Scottish nobles, one of whom was Walter Stewart.¹ With the assistance of these the English delegates contrived by a clever stratagem to gain the Castle of Edinburgh from the Comyn party, and along with it the persons of Alexander and the Queen, who were residing there. Walter Comyn, Earl of Menteith, was at that time governor of the Castle,² but was probably absent making arrangements for a proposed conference with the opposite party when it was taken by them. Alan Durward had a short time previously returned to Scotland, and his presence threatened the renewal of disturbances in the realm; when, therefore,

¹ Rymer's *Fœdera*, vol. i. p. 326.

² Buchanan's *History of Scotland*, Aikman's edition, vol. i. p. 379.

he proposed that his party should meet with the ruling faction, they readily agreed to a conference at Stirling on an early date. The Comyns set about the arrangements for the conference in good faith, but the others, pleased at throwing their opponents off their guard, proceeded to carry out their schemes. Two horsemen appeared at the gate of Edinburgh Castle, who represented themselves to be vassals of Robert de Ros, one of the Regents, and sought admittance. No suspicion was entertained of their identity, and they were without hesitation received within the walls. The Queen, however, recognising the new comers as two of her father's friends, the Earl of Gloucester and John Maunsell, provost of Beverley, welcomed their arrival with joy. Meanwhile the pretended followers of Robert de Ros continued to arrive in twos and threes, and gradually became numerous enough to eject the former defenders of the fortress. The Comyns made an attempt to regain the stronghold which contained so important a treasure as the King and Queen, but their opponents were prepared for resistance, and the King of England himself was advancing with his army to the Borders. This rendered the attempt hopeless, and the Regents suffered themselves to be superseded by others, chosen chiefly from among those Barons whom Henry King of England had taken into his protection. Walter Stewart was not at this time admitted to a share in the government, although his elder brother Alexander was.

Walter Stewart, like his father and other members of the Stewart family, was a liberal benefactor to the churches of Paisley and Kilwinning. Paisley Abbey was the burial-place of the Stewart family previously.¹ Under the name and designation of Walter Stewart, Earl of Menteith, he witnessed at Paisley, on Palm Sunday, 17th April 1261, a charter by Dufgal, son of Syfyn, to the Abbey of Paisley, of the patronage of the church of

¹ Registrum Monasterii de Passelet, p. 121.

Kilcolmanel in Kintyre.¹ This Dugall M^cSwine shortly afterwards granted the lands of Skipnish, Kedeslatt, and others to Walter Stewart, Earl of Menteith, by a charter, dated Wednesday, twenty days after St. Hilary's Feast, 1262. The lands were to be held of the said Dugall with the privilege of a free barony, with sock, sack, tholl, thame, and infangtheiff, and for service to the King of two parts of a soldier in his Majesty's armies, and that for all other service and duty to be exacted forth of the said lands.² Having thus become the holder of these lands, the Earl of Menteith confirmed the grant of the patronage of the church of Kilcolmanel by Dugall M^cSwine to the Monastery of Paisley, by a charter dated also in the year 1262. The reason for confirming this grant is stated to be, that since Dufgal had given the right of patronage of the church of Kilcolmanel to the monks of Paisley, he had given the land of Schypinche on which the church stood to the Earl of Menteith; and the chapel of St. Columba, also given to the monks of Paisley, was in close proximity to the Castle of Schypinche.³ Walter Earl of Menteith, for the welfare of his own soul, the soul of his wife, and the souls of his predecessors and successors, also granted to the monastery of St. Mary and St. Wynnin of Kilwinning his right of patronage in the parish church of St. Charmaig in Knapdale, with the chapels of St. Mary in Knapdale and St. Michael in Inverlussa, with three penny lands in Riventos annexed to the said church, in the diocese of Argyll.⁴

In the year 1263 the Earl was employed on a special service in reference to the Western Isles of Scotland. These islands had been ceded to Norway in the reign of Malcolm Canmore, which cession was confirmed by King

¹ *Registrum Monasterii de Passelet*, p. 121.

³ Vol. ii. of this work, p. 216.

² *Argyll Inventory*, vol. i. p. 295.

⁴ *Theiner's Vetera Monumenta*, p. 248, No. cccclxxxviii.

Edgar, and they had now been held by the Kings of Norway for a considerable time as parts of their dominions. An attempt was made by King Alexander the Second to recover the Isles for Scotland by negotiations with the Norwegians, but these failing, he had recourse to arms, and it was in the endeavour to carry out this enterprise that he was seized with fatal indisposition, and died at Kerrera, an island on the west coast of Argyllshire, in the year 1249. On arriving at maturity, King Alexander the Third pursued the policy of his father with respect to the Hebrides, and reopened negotiations with Norway for their reannexation to Scotland. These overtures were no more successful than those formerly made by his father. Meanwhile complaints were continually made to Haco King of Norway by his dependants in the Isles of incessant raids upon them by the chiefs of Western Scotland, against whom they desired his protection. These repeated complaints incensed Haco, and he determined to put a stop to the causes which gave rise to them. He assembled an immense fleet, the magnitude of which excited terror in the minds even of the inhabitants of the north-east coast of England. Gathering strength to his already imposing naval armament by the accessions of his vassals as he came, Haco swept through the Pentland Firth round the north of Scotland, and proceeding down past the Western Isles, reached the Firth of Clyde. Alexander endeavoured by negotiation to avert the threatened contest, and succeeded in delaying active hostilities until the approach of winter. At length the Norwegian King, perceiving no advantage to accrue from his delay, resolved to wait no longer, and despatched a number of his ships to ravage the coasts, while he himself remained in the Clyde. On the evening of the 1st of October 1263 a violent storm arose, which caused much havoc among Haco's ships, ten of which sank in Loch Long, five were driven ashore on the Ayrshire coast, and many more were considerably damaged by the combined force of wind and waves. The Scottish army was

mustered at Largs, under the command of Alexander, the High Steward of Scotland, ably supported by his brother, Walter, Earl of Menteith, and now came their time for action. Beacons blazed along the coast, and the Scotch peasantry flocked to the spot with such arms as they had. During the whole of the following day a desperate struggle was maintained along the shore, in which the Norwegians were driven to their boats, and only at nightfall succeeded in embarking what remained of their disintegrated and dispirited army.

Although the battle of Largs cannot be called a great battle in respect of the numbers engaged, yet its results entitle it to an honourable place in history; and the excellent spirit and bravery of the Scottish army, influenced by the valour and courage of the Stewarts, was the means of establishing the supremacy of Scotland over the Western Isles. Haco withdrew from the Clyde, returning by the way he came to Orkney, where he was seized with mortal illness, and died at Kirkwall six weeks after his defeat at Largs.

Walter Stewart was now despatched along with other nobles to reduce the chieftains of the Western Isles to the allegiance of King Alexander.¹ Their subjugation was finally accomplished, and they were punished in various ways for their participation in the attack of the Norwegian King. Afterwards, on receiving a sum of money, the successor of Haco was prevailed upon to relinquish all further claim upon the Isles.

While engaged in the work of subduing the islanders, Walter Stewart was assisted by Colin Fitzgerald, one of the ancestors of the noble House of Cromartie, who also fought with the Earl of Menteith at Largs. He was left by the Earl to command the fort then built at Kintail, and in 1266 he received from King Alexander a charter of the lands of Kintail for his

¹ The Earls of Cromartie, by William Fraser, vol. ii. pp. 463, 509.

services. To this charter, dated at Kincardine, on the 9th of January, Walter Stewart is a witness.¹

During the time of Haco's invasion, and for some time afterwards, Walter Stewart, Earl of Menteith, was Sheriff of the county of Ayr.² Part of his official account rendered in the Exchequer during his period of office has been preserved by Thomas, first Earl of Haddington, one of the ablest Scottish lawyers of the seventeenth century. The entries in that account are particularly interesting, as showing the preparations made at Ayr for the expected visit of Haco. The following payments were made:—To expenses of messengers watching the movements of Haco, King of Norway, on three different occasions, twenty-four shillings and eightpence halfpenny; to expenses of an hostage, namely, the son of Angus, son of Dovenald, that is, of Alexander, afterwards Lord of the Isles, with his nurse and another servant-maid for twenty-six weeks, seventy-nine shillings and tenpence; for four men watching the ships of the King for twenty-three weeks, sixteen shillings and tenpence halfpenny. The Earl asks that the customs on eleven score stones of iron, which had been imported and made into one thousand seven hundred and seventy cross-bow bolts, should be allocated to him. He further seeks repayment of sixty pounds, fifteen shillings and eightpence, which had been expended by him in the construction of ships for the King at Ayr; and of seven marks spent in the cutting, manufacture, and carriage of ten score oars. In like manner he seeks reimbursement of the expenses of six score retainers, whom he kept in the castle of Ayr for three weeks, through failure on the part of the burgesses, who ought, the Earl adds, to have entered into the castle for its defence at the command of the King. This, he alleges, they were unwilling to do, and it is requested that if their

¹ The Earls of Cromartie, by William Fraser, vol. i. p. xi.

² The Exchequer Rolls of Scotland, vol. i. p. 5.

neglect be proven, they ought to be made to pay the expenses of the said retainers, if not, the Earl will pay them.

There is also a memorandum in this account of the Earl of Menteith as Sheriff of Ayr, that the Earl had the son of Gilaverianus, farmer of the Cumbraes, as a hostage for the payment of a fine of fourscore cows, incurred by the said Gilaverianus to the King.

This Earl of Menteith was also Sheriff of Dumbarton in the year 1271. On the 24th of April of that year, King Alexander the Third issued a mandate or brieve of inquisition, addressed to Walter Earl of Menteith, Sheriff of Dumbarton, to inquire if Mary, Ellen, and Forveleth, daughters of the late Finlay of Campsie, were the lawful heirs of the deceased Dufgal, brother of Maldoven Earl of Lennox. The Earl of Menteith returned the brieve with the verdict that the three ladies were the heirs of Dufgal their grandfather. The inquest was held at Dumbarton on the Friday before the Feast of St. Dunstan the Archbishop (15th May), 1271.¹ That inquest was strongly urged by Lord Hailes in the Sutherland Peerage Case as a proof that, in the thirteenth century, female succession was established in the law and practice of Scotland.²

Walter Stewart, Earl of Menteith, was witness to a charter by Thomas de Cragyn confirming a grant of the church of Cragyn to the monastery of Paisley, dated at Paisley on the Monday before the Feast of Saint Lucy the Virgin (the 13th of December), 1272. In this charter the granter says, In testimony whereof, because my seal is not authentic, for the sake of greater testimony I have caused the present writing to be strengthened at my instance with the seal of Sir Alexander, Steward of Scotland, together with my own seal.

¹ Vol. ii. of this work, p. 217.

² Additional Case in Sutherland Peerage, chap. i. pp. 6, 7.

In the following year the contest arose with the family of Comyn about Walter Stewart's right to the earldom of Menteith, but owing to the irregular proceedings of the Comyns in trying to get the matter settled outside the kingdom, nothing was effected by them, and the earldom remained in the possession of Walter Stewart and his wife, Lady Mary Menteith.

In 1281, less than twenty years after the battle of Largs, the Earl of Menteith played an active part in matters arising out of the amicable relations restored between the kingdoms of Scotland and Norway. In that year a marriage was arranged between Eric, King of Norway, then in his fourteenth year, and the Princess Margaret, only daughter of King Alexander the Third and his late Queen, Princess Margaret, daughter of King Henry the Third of England. The terms of the marriage-contract were arranged between King Alexander and the representatives of King Eric at Roxburgh, on the 25th of July 1281. To this deed Walter, Earl of Menteith, was a witness, and he undertook, upon oath, to see that its stipulations were carried out. The Princess Margaret, then in her twenty-first year, left Scotland on the 12th of August, accompanied by the Earl and Countess of Menteith, with other nobles and attendants, and reached Norway on the evening of the 14th. After witnessing the marriage and coronation of the Princess, Walter Stewart and his Countess returned to Scotland. Two ships left the Norwegian coast, one containing the nobles, including the Earl of Menteith, the other bearing a number of ecclesiastics, among whom was the Abbot of Balmerino. Only the former vessel, however, reached Scotland; the ship containing the clergy sank on the way.¹

The Queen of Norway died in 1283, leaving an infant daughter Margaret, popularly called "The Maiden of Norway." King Alexander, now bereft of all his children, as his only surviving son Alexander had lately died, summoned a council of all his nobles at Scone on the 5th of February 1283,

¹ Liber Pluscardensis, p. 108.

and exacted from them a declaration on oath, that in the event of his dying without further issue, male or female, or in the event of there being no issue of his son, who had married the Lady Margaret of Flanders, they would acknowledge his grand-daughter, the Maiden of Norway, as their rightful sovereign. Walter, Earl of Menteith, was present at this Parliament, and gave his promise with the rest, many of the barons appending their seals to the formal document which was drawn up.¹

On the 1st of July in the following year, 1284, King Alexander was at Stirling, where he granted a charter to the Abbey of Newbattle. Walter, Earl of Menteith, was present at the time, and witnessed the deed.² In the same year King Alexander was married to his second wife, Joleta, a daughter of the Count de Dreux, probably in the hope of preserving the lineal succession of the crown in his own heirs. But by his untimely death from falling over a cliff near Kinghorn, whilst riding in the dusk of the evening of the 16th March 1285, the Scottish throne became vacant, and by the entire failure of heirs of the King's own body, the regal succession fell to his daughter's daughter, Margaret, the Maid of Norway. She was scarce three years of age, and a regency of six noblemen and bishops was therefore appointed to superintend the affairs of the kingdom until she should be able to assume the reins of government.

During the infancy of the Queen, the interests of those who in the event of her death might hope to succeed to the crown, naturally led them to provide for such an emergency. Of such aspirants the two chief were Bruce and Baliol, and the friends of either began to gather around him whom they intended to support if the Princess should die during the regency. The Regents themselves were divided in interest, and so hot did the jealousies and contentions of the two parties become, that frequent hostilities arose.

¹ Acts of the Parliaments of Scotland, vol. i. p. 424.

² Chartulary of Neubotle, p. 32.

Walter Stewart, Earl of Menteith, along with his nephew, James the High Steward, one of the Regents, favoured the claims of Bruce, and together with the latter and other powerful nobles, whose influence extended over the whole of the west and south of Scotland, met at Bruce's castle of Turnberry in Carrick, and entered into a bond for mutual defence, by which they covenanted to adhere to and take part with one another against all opposers, saving their allegiance to the King of England and to him who should obtain the throne of Scotland by right of descent from the late King Alexander. In this they were joined by two powerful English noblemen, Thomas de Clare, brother of Gilbert Earl of Gloucester, a nephew of Bruce's wife, and Richard de Burgh, Earl of Ulster.¹

In 1289 Walter Stewart was again Sheriff of Dumbarton.² In the same year negotiations were entered into between Eric King of Norway and Edward the First, King of England, for the marriage of the Maid of Norway with Prince Edward, eldest son of the King of England. As soon as this became known in Scotland it was hailed with satisfaction, and a meeting of the Estates was held at Brigham, a Border hamlet near Coldstream, in Berwickshire, on 17th March, from which a letter, signed by the whole of the *Communitas* of Scotland, was sent to Edward, declaring the joy with which they learned the news of the proposed alliance, and promising their hearty concurrence and support, provided the liberties of their kingdom were respected. The Regents also on the same day wrote another letter, addressed to King Eric, intimating to him their consent to the marriage, and requesting his furtherance of the proposals. In all these arrangements Walter, Earl of Menteith, took an active part, and his name appears among the Earls who joined in the letter to Edward.³ At the same Parliament was confirmed

¹ Vol. ii. of this work, p. 219.

² Exchequer Rolls of Scotland, vol. i. p. 49.

³ Rymer's *Fœdera*, vol. i. p. 730.

the treaty of Salisbury, by which it was arranged that the young Queen should be brought to Scotland or England, and Walter, Earl of Menteith, was among those who consented to this.¹ By all parties the alliance of the heiress of Scotland to the Prince of England was anxiously looked for in the hope that it would terminate the baneful distractions into which the country had been thrown by the contentions of the claimants for the throne. On the other hand, Edward eagerly accepted the proposals which came to him both from Norway and Scotland. He had already procured from the Pope a dispensation for the marriage, and on receiving the letter from the Scotch *Communitas* at Brigham, appointed commissioners to meet with the Estates of Scotland at the same place on 18th July 1290. At that meeting the marriage was finally arranged, and the terms of the treaty were such as fully provided security for the future independence of Scotland. The spirit which, amid all their variance, led the Scottish nobles to unite for securing the maintenance of the rights and liberties of their country is admirable, and adds keenness to the regret with which the fact must be viewed, that the strivings of their personal ambition at a later date all but sacrificed their country to the covetous spirit of the English sovereign. Edward the First had scarcely signed the treaty before he attempted to break it by appointing governors of his own in Scotland, and demanding that the strongholds of that kingdom should be put under his charge.

Sir Michael Scott of Balwearie and Sir David Wemyss of Wemyss, both of the county of Fife, were appointed commissioners to conduct the young Queen from Norway to her own kingdom. Her arrival was looked forward to with great joy. The infant Princess was the symbol of a happily arranged union, and the promise of an enduring peace between two rival nations. But all these hopes were disappointed. While on her voyage to

¹ Historical Documents, Scotland, vol. i. p. 129.

Scotland the poor child became very sick, and was landed at Orkney, where she died in the end of September or beginning of October 1290. In a letter, dated at Leuchars, 7th October 1290, from William Fraser, Bishop of St. Andrews, one of the Regents of Scotland, to King Edward the First, he refers to the lamentable rumour spread among the people of the death of their Queen. The bishop adds that he had heard that the Queen was recovering, but was still weak. In that letter, of which a facsimile is here given, there are indications of the keen and disastrous competition which was to follow on the death of the Queen. The movements of Bruce and Baliol, the two most prominent competitors, are referred to by the bishop. Bruce, the bishop says, had already a large following, and he counsels Edward to be very cautious in his promises to Baliol, should the latter apply to him.¹

To avert a civil war, the rival claimants to the throne agreed to submit their claims to the arbitration of King Edward the First of England. Edward accepted the office with eagerness, and soon declared his determination to be acknowledged as Lord Paramount of Scotland, or to effect its conquest by force. This demand was first made at a conference with the clergy and nobility of Scotland at Norham, on 10th May 1291, and took them by surprise. They craved delay, and obtained three weeks, during which time Edward bribed some of them by presents of money, and others by inducing them also to become competitors. He was successful in producing further dissensions by thus rousing private personal ambition. No fewer than thirteen competitors appeared as claimants of the Scottish crown, and all of them agreed to acknowledge the superiority of Edward over Scotland.

From his prominent position among the nobles of Scotland, the Earl of

¹ Original Letter in Public Record Office, lithographed in "The Frasers of Philorth," by London; Royal Letters, No. 1302; printed and Alexander Lord Saltoun, 1879, vol. ii. p. 195.

Dno & Magna Dignitate Dni

p tunc & Dna Reguante illustri p epm
fidus in secod.

Menteith was necessarily involved in all these negotiations about the succession, and was nominated by Bruce as one of his forty commissioners.¹ Other forty were chosen by Baliol and his party, and twenty-four were added by Edward. The whole one hundred and four were then empowered by Edward to investigate and report on the rival claims; but before their session began, the kingdom of Scotland was formally made over to Edward, and fealty sworn to him by the Barons and many other subjects. Walter, Earl of Menteith, took the oath of fealty, and performed homage to Edward on 13th June 1292. The commissioners met at Berwick on the 2d of August and soon disposed of most of the claims, the number being finally restricted to those of Bruce and Baliol, who both argued their respective rights at great length, and at last the report was laid before the King, and his decision requested. Edward pronounced in favour of Baliol, and the Earl of Menteith was present at Norham on the 20th of November, when Baliol again swore fealty to Edward as his liegeman.² Baliol was then crowned at St. Andrews, and afterwards proceeded to Newcastle-on-Tyne, and once more paid homage to Edward.³ On this occasion Walter, Earl of Menteith, does not appear to have been present, or to have taken any part in the proceedings following on Baliol's coronation.

In the same year, 1292, the land of Knapdale, which belonged to the Earl of Menteith, was incorporated with other lands in the sheriffdom of Lorn, and placed under the jurisdiction of Alexander of Argyll.⁴

The indignities suffered at the hands of the haughty Edward by Baliol and his subjects so exasperated the latter, that when Edward himself was dealt with in a similar manner by Philip, King of France, and a war between France and England was imminent, the Scottish nobles

¹ Rymer's *Fœdera*, vol. i. p. 767.

² *Ibid.* p. 781.

³ *Ibid.* p. 782.

⁴ Acts of the Parliaments of Scotland, vol. i. p. 447.

seized the opportunity to cast off their allegiance to the English King, and induced Baliol to do the same. Edward, on determining to prosecute a war with France, issued letters to Baliol and the Scottish Earls, commanding their presence at London on 1st September 1294, with arms and horses ready to cross the sea. By another letter the day of meeting was postponed to the 30th September, and the place of meeting changed to Portsmouth. Copies of both letters, dated respectively 29th June and 17th August 1294, were addressed to Walter, Earl of Menteith. These summonses were treated with contempt by the Scottish nobles, who, after dismissing all Englishmen from Baliol's Court and from places of power and trust, obliging many of them to leave the country, sought an alliance with France, and prepared for war against Edward. Twelve Peers were chosen as a council to assist Baliol in the government of the kingdom, and, lest his courage should give way, he was kept secure in one of his own castles.

Walter Stewart, Earl of Menteith, seems to have died in this or the following year. He is thought by some historians to have fought at the battle of Dunbar, and to have been taken prisoner by Edward, who is said to have first sent him to the Tower of London and then put him to death. An Earl of Menteith did take part in the engagement at Dunbar, and was sent as a prisoner to the Tower of London; but that Earl, there is good reason to believe, was Alexander, the son of Walter Stewart.

In the Appendix to his "Annals of Scotland," Lord Hailes devotes a chapter to Walter Stewart, Earl of Menteith. He says, "Our later historians unanimously assert that after the surrender of Dunbar Edward I. put the Earl of Menteith to death. I once believed what I now must number among the legends of Scotland." After quoting the passages from Fordun, Boece, Bellenden, Lesley, and Buchanan on the subject, Lord Hailes remarks, "Enough has been said to prove that our historians talk at random concerning



MONUMENT TO WALTER STEWART, EARL OF MENTEITH AND MARY COUNTESS OF MENTEITH,
IN PRIORY OF INCHMAHOME.

the cruelty which Edward displayed at the surrender of Dunbar, and that they either copy, misunderstand, or pervert the meaning of each other."¹

Walter, Earl of Menteith, was predeceased by his Countess Mary. This appears from the grant made by him to the monastery of Kilwinning, which is for the weal of his own soul and the soul of Lady Mary, Countess of Menteith, sometime his spouse, and the souls of his predecessors and successors.² It is probable that she was dead before 1286, when Walter, Earl of Menteith, with Alexander his son, and Matilda, the wife of Alexander, granted the church of Kippen to the Abbey of Cambuskenneth, in order to secure a place of sepulture for themselves in the Abbey, as she is not mentioned along with her husband in making the gift, and unless she had already been dead, there seems no ground for the omission. The former Earls of Menteith, according to tradition, had their burial-place in the church of Kippen, which was situated within the earldom, and their own Stewart ancestors lay in the cloisters of Paisley Abbey, but the Stewart Earls of Menteith may have considered Cambuskenneth more worthy of the dignity of the family than the church of Kippen. Yet it does not seem that either Walter Stewart or his Countess were buried in the Abbey of Cambuskenneth. The sepulchre of both was probably near the high altar of the Priory of Inchmahome, in the lake of Menteith. A monument which was erected to their memory is still preserved in the centre of the choir of the Priory, a representation of which is here given. The figures are seven feet long, and in full relief.

“The steel-clad Stewart, Red-Cross knight,
Menteith his Countess, fair and bright,
Here live in sculptured stone.”³

¹ Annals, vol. iii. p. 42, Appendix No. v.

³ The Priory of Inchmahome, by Rev. William

² Vol. ii. of this work, p. 220.

Macgregor Stirling, p. 8.

The shield of Walter Stewart bears the well-known fess chequé of the Stewart family, and a label of five points to show his position as a younger son of the High Steward. Walter, Earl of Menteith, thus continued his own paternal coat of Stewart after he became Earl of Menteith, instead of adopting the armorial bearings of the earldom of Menteith. His own family arms were assumed from the dignified office of Steward, while the Menteith arms proper had not been so long in use and were not so well known. In continuing his own arms, Earl Walter showed fairness to the line of the elder sister, Countess Isabella, by whom the earldom was claimed, and the armorial bearings of which were actually used by Sir Edmund Hastings, the second husband of Lady Isabella Comyn.

An engraving of the seal of Walter Stewart, Earl of Menteith, is here given from the original in the Public Record Office, appended to a document dated 1292.



By his Countess Mary, Walter Stewart left two sons:—

1. Alexander, who succeeded him in the earldom.
2. Sir John Menteith of Rusky, chiefly remembered for the part he took in the capture of Wallace, and for delivering him to Edward King of England.

ALEXANDER, SIXTH EARL OF MENTEITH.

AND

LADY MATILDA HIS WIFE.

Circa 1295—circa 1304.

ALEXANDER and John, the two sons of Walter Stewart, Earl of Menteith, and Mary his Countess, dropped the surname of Stewart and assumed that of Menteith. Descending from a younger son of the third High Steward, one who, by the acquisition of the earldom and dignity of Earl of Menteith, had raised himself to an independent position, they wished to retain their connection with the noble family of Stewart, soon to become a royal house, while they also maintained the influential position of Earls of Menteith.

Previous to 1295 Alexander, the eldest son of Walter Stewart, Earl of Menteith, is simply known as Alexander of Menteith. He is said by the peerage writers to have been present with his father at the Parliament assembled by King Alexander the Third at Scone on 5th February 1283, when the King obtained the assurances of his nobles that they would receive and support the Maid of Norway as their rightful Queen, failing male heirs of the King himself or of his son Alexander. His name, however, does not occur in the list of those present, and as the reference adduced in support of the statement points to a later date, there is no evidence that he took part in the proceedings of that Parliament. Alexander of Menteith probably married about this time, as his wife Matilda is named with her husband and

his father, Walter, Earl of Menteith, as granting the church of Kippen to the Abbey of Cambuskenneth, to secure for themselves a place of burial in the abbey. This grant is said, according to Duncan Stewart, to have been made in 1286.¹

In that year Alexander joined with his father and brother in the mutual bond entered into by Bruce's party at Turnberry.² He was present at Brigham in 1289, when the Estates of Scotland met there and addressed a letter to Edward King of England, respecting the proposed marriage of their Queen and his eldest son. In that letter he appears simply as "Alisaundre de Meneteth."³

In the account rendered by Sir Walter de Langetone, keeper of King Edward the First's wardrobe, of stores provided at Berwick by that King for the affairs of Scotland, there occurs a curious entry. In accounting for the disposal of a supply of wheat which had passed through his hands, Sir Walter de Langetone refers to loss in wheat delivered to Alexander of Menteith of Scotland in three "seudris" (chalders), containing twelve quarters by English measure, the price of the "seudra" being thirty-two shillings; sum total, four pounds sixteen shillings, which money could not be uplifted from the foresaid Alexander, because nothing was found by which he could be distrained for the foresaid debt, twelve quarters of wheat.⁴

Having accompanied his father to Norham in 1291 for the settlement of the Scottish succession, Alexander of Menteith, son of the Earl of Menteith, in June of that year, swore fealty to King Edward the First of England, acknowledging him as overlord of Scotland.⁵

¹ History of the Stewarts, p. 208.

² Vol. ii. of this work, p. 219.

³ Acts of the Parliaments of Scotland, vol. i. p. 441.

⁴ Historical Documents, Scotland, vol. i. p. 209.

⁵ Rymer's *Fœdera*, vol. i. p. 772.

In the following year Alexander of Menteith was appointed by John Baliol, King of Scotland, guardian of the lands of Alexander of Abernethy. These lands Alexander of Menteith was to keep safely, under pain of forfeiture, until Alexander of Abernethy came of age, when all rents and profits of the lands were to be accounted for to him, or, in the event of his death, to his executors.¹

Alexander succeeded to the earldom of Menteith on the death of his father, probably about 1295, and as Earl he took an active part in the stirring events of those times. Already the Scottish nobles had forced Baliol to throw off the English yoke, and surrounding him with a council of themselves, kept him aloof from English influence. To recover Scotland Edward had recourse to his old tactics of disguising his true intentions, and by promising favour to Bruce, sowed the seeds of dissension again among the Scots. He himself advanced with his army on Berwick, and distinguished himself in its capture by the cruelty, rapacity, and bloodshed which he encouraged. Berwick fell on the 30th of March 1296, and Edward remained nearly a month in the town.² The Scots, stung to madness by the insolence and cruelty of the English King, flew to arms, and seven of the Scottish Earls, among whom were Menteith, Athole, and Ross, collected their forces, and ravaged the English districts of Redesdale and Tynedale, fiercely retaliating the outrages committed upon the unoffending inhabitants of Berwick.³ They afterwards threw themselves into the Castle of Dunbar, which was at this time in the possession of the English. Patrick, the Earl of Dunbar, was fighting in the army of Edward; but his Countess disliked the English, and secretly assisted the Scottish leaders in the capture of the fortress. Here the Scots

¹ Acts of the Parliaments of Scotland, vol. i. p. 447.

² Historical Documents, Scotland, vol. i. p. 25.

³ Chronicon de Lanercost, p. 174.

strengthened themselves, and sent word to their friends to hasten to their succour. On hearing of the loss of the Castle of Dunbar, Edward at once despatched the Earl of Surrey with a strong force to regain it. On his arrival Surrey commenced a siege, and the garrison, who were comparatively few in number, agreed to capitulate if not relieved within three days. Before the expiry of that term the Scottish army had assembled in large numbers at Dunbar, and the garrison were jubilant at the prospect of an English defeat. The Scots took up a strong position on a rising ground, and had every prospect of success, but for an unhappy mistake. The English occupied a less advantageous position, and were obliged to execute some manœuvres, which the Scots interpreted as a confusion in their ranks, and leaving their position on the hill, they rushed down upon the English in the valley, who were drawn up in compact order, ready to receive them. The Scots now realised their error, but it was too late to retrieve the unfortunate charge, and a terrible carnage and rout began. Although superior in numbers, the Scots were utterly defeated. According to a manuscript account of the fourteenth century, "ten thousand and fifty-five, by right reckoning," were left dead upon the field,¹ and large numbers were taken prisoners. Many fled to the Castle of Dunbar for refuge, but on the following day it surrendered to Edward, who had come up with the rest of his army. Many of the Scottish nobility were taken and sent to various prisons throughout England. The Earls of Menteith, Athole, and Ross, with other prisoners of rank, were sent in chains to London, and consigned to the Tower, the Constable of the Tower receiving strict injunctions to keep them with all safety.² In the accounts of King Edward's keeper of the wardrobe respecting the affairs of Scotland, there is an entry bearing on the expenses of the capture of the three Earls of Ross, Athole, and Menteith, and other

¹ Historical Documents, Scotland, vol. ii. p. 26.

² Rymer's *Fœdera*, vol. i. p. 841.

Scotch prisoners taken in the Castle of Dunbar, and of conveying them to divers places of security in England, which amounted to £2083, 17s. 7d.¹

The Earl of Menteith's imprisonment was of short duration. Popular tradition, adopted by some historians, records that the three Earls who were committed to the Tower were put to death by Edward in a cruel manner. This is, however, a mistake; both the Earls of Ross and Athole were liberated in the following year, on agreeing to serve Edward against the French,² and support from their lands was granted by Edward to their Countesses while they were in prison.³ To the Earl of Menteith much greater clemency was shown, and he could not have been in prison longer than two or three months at most. This may have been owing to the influence of Bruce and Patrick, Earl of Dunbar, both of whom were at that time in favour with Edward; and as they also were parties to the mutual bond of defence entered into in 1286 at Turnberry, they may have used their efforts to procure Menteith's release.

After his victory at Dunbar, Edward made an extensive journey through Scotland, to secure the submission of the principal towns and castles. Travelling by Roxburgh and Jedburgh he came to Newbattle Abbey, and entered Edinburgh on the 6th of June, where the taking of the Castle detained him a few days. Then proceeding by Linlithgow and Stirling, Edward reached Perth on the 21st June, whence he proceeded by Cluny and Kinclaven to Forfar and Montrose, at which latter place, on the 10th July, he received the submission of Baliol and a number of the nobility. Afterwards he went to Aberdeen, and thence by Banff and Cullen, reaching Elgin on the 26th of July,⁴ where he remained for two days. While there

¹ Historical Documents, Scotland, vol. ii. p. 19.

² Rotuli Scotiae, vol. i. p. 44.

³ Rotuli Scotiae, vol. i. p. 28.

⁴ Historical Documents, Scotland, vol. ii. pp. 27-29.

the following instrument was drawn up, and as it throws considerable light on the question as to whether it was Alexander Earl of Menteith or his father Walter Stewart who fought at Dunbar and was sent by Edward to the Tower of London, a translation of the document is given:—

To all those who shall see or hear these letters, Alexander Earl of Menteith, greeting. As my dear Lord Edward, by the grace of God, King of England, Lord of Ireland and Duke of Aquitaine, has of his special favour delivered my body from his prison, in which I was for my late transgression in bearing arms against him and otherwise, and has likewise restored to me the earldom of Menteith with its pertinents, together with all the other lands which are held of him in chief, and ought to be, that is to say, those for which I have done homage to Sir John Baliol, lately King of Scotland, to be held at the pleasure of my lord the King of England aforesaid, also as I wholly forfeited them to him by my acts of trespass aforesaid, I acknowledge by these my letters that I have received from the said King of England my earldom with its pertinents, together with its other vassalages, to hold at his pleasure as is before mentioned: Wherefore I promise, for myself and my heirs, upon pain of body and goods, as far as we can incur the same, that we shall serve him well and loyally against all mortals whenever we shall be required or warned by him or his heirs, and that we shall never know anything to their hurt without hindering it to the best of our power, and letting them know of it; and loyally to keep and observe these things I oblige myself and my heirs, and all our goods, whatever we can forfeit; moreover, I have sworn upon the holy gospels. In witness whereof, I have caused make these letters-patent, sealed with my seal. Given at Elgin, in Moray, the 27th day of July [1296].¹

This was probably prepared in anticipation of the Earl of Menteith's

¹ Ragman Rolls, pp. 103, 104.

consenting to it. He may still at this time have been in the Tower, and have been released on agreeing to the terms of these letters-patent. He is indeed said, in the preamble of the letters, to have come of his own free will to the King of England, at Elgin, and willingly to have renounced the treaty made with the King of France, in so far as he was concerned therein, and to have sworn fealty to Edward in due form.¹ But considering the recent committal of the Earl of Menteith to the Tower, the great distance between London and Elgin, and the difficulties and inconveniences of travelling in those times, it is unlikely that the Earl of Menteith was personally present at the preparation of the letters. Edward was now at the extremity of his journey northwards in Scotland, and he began his return on the 29th of July travelling by Kincardine-O'Neil to Brechin, which he reached on the 4th of August; and after passing through Dundee, Perth, St. Andrews, Markinch, and Dunfermline, he reached Stirling on the 14th of August, and passing through Edinburgh returned on the 22d of August to Berwick, where he held a Parliament, and received the submission of the Scottish nobles, bishops, and others. The Earl of Menteith is distinctly said to have appeared personally before Edward at Berwick, very probably on his way home from London after his release from the Tower, and he swore fealty to Edward, along with many others. A further reason for concluding that the Earl of Menteith was not personally present at Elgin is found in the fact that Alexander of Argyll is also one of the number for whom letters-patent were prepared at Elgin, yet on the 10th of September he is still said to be detained in prison, and his lands were placed under the care of the Earl of Menteith. For some reason he had not yielded to the terms proposed to him by Edward at that time, but he was set at liberty in the following year.²

Reverting to the opinion expressed by Lord Hailes that it was not Walter

¹ Ragman Rolls, p. 103.

² Rotuli Scotiæ, vol. i. pp. 31, 40.

Stewart who was present at Dunbar, but his son Alexander, the documents now referred to show that he is correct. The same evidence goes to confirm what Lord Hailes chiefly contended for, that the popular tradition of the Earl of Menteith's being cruelly put to death by Edward was wholly mythical, and probably arose through historians confusing the fate which Sir John Graham, a later Earl of Menteith, suffered at the hands of Edward the Third of England, with that of the Earl whom they supposed, also erroneously, to be Walter Stewart.

Lord Hailes, however, is wrong in his statement that Alexander Earl of Menteith engaged to serve Edward in his foreign wars. The mistake arises from the general references made to the Scottish prisoners by the English historians. They speak of them generally as being released on condition of serving Edward in France, and in the case of most of the Scottish prisoners this was true. But in a number of instances exceptions were made. Those who were released before Edward left Scotland had no such condition proposed to them. They were only required to deliver their sons to the English King as hostages, and to swear fealty, and the Earl of Menteith was among the first to obtain this clemency from Edward.

The Earl of Menteith took the oath of fealty to Edward at Berwick on the 28th of August 1296, along with a number of other nobles and knights who had been liberated. He is represented as repeating the terms of the letters-patent prepared at Elgin, and also as joining in the following declaration:—

And since we all and each of us for himself have done homage to our Lord the King aforesaid in these words, "I become your liegeman of life and limb and worldly honour against all persons who live or die may," and the same King our Lord received them in this form—"We receive this for the lands of which you are at present seised, saving our right and the right

of others, and excepting the lands which John Baliol, who was King of Scotland, gave you since we granted the kingdom of Scotland to him, and excepting also those lands which we have seised before you came to our peace;" besides this, we all and each of us for himself have done fealty to our Lord the King aforesaid in these words, "I shall be true and leal, and shall keep faith and loyalty to King Edward, King of England, and to his heirs of life and limb and earthly honour against all persons who may live or die, and I shall never bear arms for any one, nor give counsel nor aid against him, nor against his heirs, in any case that may happen; and I will truly acknowledge and truly perform the services which pertain to the tenements which I claim to hold of him. So may God and the saints help me." In testimony whereof we have caused these letters-patent to be made, sealed with our seals.¹

It does not appear that any of the lands pertaining to the earldom of Menteith were retained by Edward, or otherwise disposed of by him. On the contrary, it would seem from the letters made at Elgin that the earldom was restored to Earl Alexander intact.

On obtaining his liberty the Earl of Menteith left two of his sons, Alan and Peter, in the hands of the English King as hostages for the fulfilment of his allegiance.²

On the same day that he swore fealty to Edward, the Earl of Menteith formally recognised a debt due by him and his ward Alexander of Abernethy to Henry Percy. A deed was drawn up in presence of the King, of which the following is a translation:—

Alexander, Earl of Menteith, and Alexander of Abernethy have recognised (each of them being liable for the whole) that they owe one hundred marks to Henry of Percy, of which they will pay to him one-half at the Feast of

¹ Ragman Rolls, pp. 119, 120.

² Historical Documents, Scotland, vol. ii. p. 138.

St. Martin next to come, and the other half at the Feast of Pentecost next following. And if they do not, they agree for themselves and their heirs that the money foresaid shall be uplifted from their lands and chattels in the earldom of Menteith and elsewhere, to whosoever hands these presents shall come. Attested by the King at Berwick-upon-Tweed, the 28th day of August.¹

On the 10th of September Alexander, Earl of Menteith, was directed by Edward to take under his charge the lands, islands, and castles of Alexander of Argyll and John his son, and to become security for them. He was also instructed to provide for the sustenance of the wife and family of Alexander of Argyll till the latter should be liberated, and till his eldest son John should come to the King's peace. For his intrusions with the estate of Alexander of Argyll, the Earl of Menteith was to be responsible to the King of England's exchequer at Berwick.² The dependencies of Argyll were also instructed to recognise the Earl of Menteith as the guardian appointed by the King.

Soon after this King Edward returned to England, only to find that after all his toil and labour the old spirit of independence was still alive and at work in Scotland. The fire had only been partially extinguished, and needed but the stimulus of English oppression to rekindle its flame and cause it to burn more intensely than before. That illustrious hero of Scottish independence, William Wallace, now appeared as the champion of his country's liberties, and already by his intrepid valour and persevering energy had turned the tide in favour of the Scots. At first with but a handful of brave and desperate men around him, he executed great havoc amongst the English garrisons throughout the country. He was afterwards joined by Sir William Douglas, and his followers gradually increased as his continued

¹ Historical Documents, Scotland, vol. ii. p. 82.

² Rotuli Scotiæ, vol. i. p. 31.

successes inspired their hopes. The nobles for the most part were deterred from joining with Wallace by their oaths to the English King, while not a few of them were still in English prisons, but almost all their followers were with him. The continual harassings by Wallace at last roused the English to retaliate, and gathering their forces together they determined to crush their tormentor. Wallace was prepared for them, and on the 11th of September 1297 the battle of Stirling was fought, resulting in the entire defeat of the English and the complete emancipation of Scotland for the time from the English rule. Even Berwick was abandoned by the English in their terror at Wallace's approach.

Whether the Earl of Menteith took part in the proceedings of Wallace is not known. He seems to have been in England in the month of June, as on the 11th of that month he received a safe-conduct from Edward for a journey to Scotland.¹ He must therefore have been in Scotland when the battle of Stirling was fought, and may have taken part in it.

The news of this blow to their supremacy in Scotland aroused the English Government to action, and in the absence of Edward in Flanders letters were despatched in his name to several of the Scottish nobles, requiring their aid in the suppression of what was termed the rebellion in Scotland. One such letter was addressed to Alexander Earl of Menteith, attested by Edward, son of the King, at St. Paul's, London, on 26th September 1297, in which, after specially thanking the Earl for his fidelity to him in the past, he informs him that the guardianship of Scotland had been committed to Brian Fitz-Alan, and enjoins him to continue in his loyalty, proceeding from good to better, and to assist the Governor of Scotland with arms, horses, and in every other way possible for the suppression of the rebellion, so often as required by the foresaid Brian Fitz-Alan.²

¹ Historical Documents, Scotland, vol. ii. p. 175.

² *Rotuli Scotiæ*, p. 50.

But the kingdom was now in the possession of Wallace, who by common consent had been elected Governor of Scotland in name of King John, and the summons by the English Government was neglected. Wallace did not long enjoy the office of Governor, as after his defeat at Falkirk in July 1298, which was partly occasioned by the treachery of some and the desertion of others of the nobility who were jealous of his power, he demitted his office and retired from the scene of his patriotic labours.

In the course of the struggles for independence continued by the Scots against Edward many battles were fought, and campaigns were begun and ended only to be followed by others. In these the Earl of Menteith must have taken part, but the name of Alexander does not occur. In 1303, when Edward again invaded Scotland, he gave the command of one of the divisions of his army to his eldest son, Edward Prince of Wales, and sent him into the west of Scotland, while he himself proceeded northwards; and the Earl of Menteith, with the Earl of Strathern and certain knights, was commanded to meet the Prince on the day when the latter should come to Dunfermline.¹ But whether this Earl was Alexander or his son Alan there is no direct evidence to show. The exact manner and time of the death of this Earl of Menteith, like that of his father Walter, is thus unknown, but he must have been dead before 1306, as at that date his son Alan is named as Earl. As previously stated, Alexander and his Countess Matilda provided a burial-place for themselves in the Abbey of Cambuskenneth, and there probably they were buried, but no record is known to exist to attest the certainty of this.

By his Countess Matilda, whose surname is unknown, Earl Alexander left four sons:—

¹ Palgrave's *Historical Documents*, vol. i. p. 284.

1. Alan, who succeeded him in the earldom of Menteith.
2. Peter, who along with his brother Alan was taken to England as a hostage for his father's fidelity, and accompanied Edward the First to Flanders.¹
3. Murdach, who was the eighth Earl of Menteith, having succeeded his brother Alan.
4. Alexander of Menteith, who witnessed a charter by Murdach, and is designated in it "our brother."²



This seal of Alexander, Earl of Menteith, has already been described in the Introduction, as bearing three bars wavy surmounted by a fess chequé, being the armorial bearings of the parents of Earl Alexander.

¹ Historical Documents, Scotland, vol. ii. pp. 138-141. ² Vol. ii. of this work, p. 229.

ALAN, SEVENTH EARL OF MENTEITH.

Circa 1304--1306.

ALAN, the eldest son of Alexander, sixth Earl of Menteith, succeeded to the earldom at a critical period in the history of Scotland, and took an active part in the struggle by which the liberties of his country were maintained. It is no marvel if in the troubles of these times his enjoyment of the earldom was very short.

Alan may have been born about the year 1280. He would be but a youth when, on his father's release from the Tower of London, he, with his younger brother Peter, was left in the hands of King Edward the First as a pledge for his father's fidelity. The two youths accompanied the King on his return to London in the latter part of 1296, and on the outbreak of hostilities with the King of France in the following year they were equipped by Edward, and went with him to Flanders as squires of his household. In the accounts of the keeper of King Edward's wardrobe for 1296-7, there are several entries of payments for armour, clothing, and horses bought for them.

On the 23d of July 1297, there was paid £27, 7s. 4d. for two long soldiers' cloaks, two soft woollen under-tunics, two pairs of arm-plates, one coat of mail and one habergeon, two light helmets, two iron caps, two pairs of thigh-pieces, two pairs of soft hose, two throat-pieces, two pairs of mail-gauntlets, and two shields bought for Alan and Peter, sons of the Earl of Menteith, by the command of King Edward, and given to them as a gift from the King for the war with France, which they received at Westminster.

On the 21st of August following Alan was presented with a horse which cost twenty marks, and Peter his brother received a white horse which cost ten pounds, both being gifts from King Edward for their use in the French

war. These were received by them at Winchelsea. In November they received money for their journey to Flanders, and while at La Neylande twenty shillings were paid for a winter garment for Alan.¹ Both Alan and Peter thus served with Edward in the French campaign of 1297; but whether Peter returned to England with Alan is uncertain, as these are the only notices of him which have been found.

Alan succeeded to the earldom on the death of his father, which took place either in 1303 or soon thereafter. He must have been Earl in 1303, if it were he who was commanded to meet Prince Edward of England on his arrival at Dunfermline. But it may have been his father Alexander, as the Christian name of the Earl is not given. If the latter conjecture be correct, Earl Alexander must have died shortly afterwards, and Alan probably obtained the earldom in 1304.

Duncan, Earl of Fife, made an entail of his earldom in favour of Alan, Earl of Menteith.² Alan himself never obtained possession of the earldom of Fife, but by virtue of that entail, and a subsequent deed made by Isabel Countess of Fife, it fell to Robert Stewart, son of King Robert the Second, who married Earl Alan's grand-daughter, the Countess Margaret. Through this marriage and the entail of the earldom of Fife, Robert became Earl of Fife and Menteith.

Alan, Earl of Menteith, granted the lands of Thome in Menteith to Sir Walter of Aikenhead, knight.³ The charter being undated, the exact time of this grant is uncertain, but it was probably made in 1305 or 1306, and was only for life, as the lands afterwards reverted to the earldom, and were given by Murdach, Earl of Menteith, to his kinsman Walter of Menteith.⁴

The Earl of Menteith joined Robert the Bruce, when, after slaying

¹ Historical Documents, Scotland, vol. ii. pp. 138-142.

² Vol. ii. of this work, p. 251.

³ *Ibid.* p. 223.

⁴ *Ibid.* p. 225.

his rival John Comyn in the church at Dumfries, Bruce determined on the bold step of asserting his right to the throne of Scotland, and of freeing his country from English oppression. Having gone to Scone, Bruce was there crowned, on the 27th March 1306, by Robert Wishart, Bishop of Glasgow, and two days later he was placed in the regal chair by Isabella, Countess of Buchan, daughter of Duncan, Earl of Fife, her brother the Earl of Fife being then in the English interest. Very few of the Scottish nobles were present to greet the new-made King; the majority of them preferring to wait the issue of this new attempt rather than subject the country and themselves to the horrors of another English invasion. Several of them, especially the Comyns, who were yet sufficiently powerful to exercise great control in Scottish affairs, and who resented the slaughter of their kinsman, endeavoured to thwart Bruce's schemes; and there can be little doubt that these discords were greatly the cause of the difficulties which beset King Robert the First in the beginning of his reign. He had no slight task before him; but, undaunted by its magnitude, Bruce at once took the field, and directed his efforts to clear the country of its English oppressors. He seized several towns and castles where English garrisons lay, and either imprisoned the officials of the English King or compelled them to depart across the Borders.

On intelligence being conveyed to Edward that all his labours in Scotland had again been rendered fruitless, he was roused to fury. It had been the aim of his whole life to add Scotland to England, and he could not brook that in his old age it should be torn from his grasp. He despatched two armies to Scotland under the command of the Prince of Wales and the Earl of Pembroke. Pembroke's army proceeded to Perth; thither also Bruce led his small army, and there he challenged the English general to single combat. The challenge was accepted, but as the fight was deferred till the following day, Bruce withdrew to the wood of Methven adjoining the city,

where he encamped with his soldiers. Relying on the literal performance of the English general's word, and not suspecting any attack, King Robert appears to have kept too careless a watch, and permitted many of his soldiers to forage over the country. The rest were at work preparing supper, when the camp was suddenly attacked by Pembroke's forces, and before the Scottish army could form themselves into battle array a rout began. Many of Bruce's followers were slain, a large number were taken prisoners, and the King himself only escaped by flight after several deadly encounters.

The Earl of Menteith was one of the captives, and would have been put to death if Pembroke had carried out the commands his royal master gave on learning the result of the battle. The lives of the prisoners were spared, but their lands were confiscated, and their persons sent to various prisons in England. Alan, "who," the mandate adds, "was Earl of Menteith," was committed to the custody of Sir John Hastings, to be placed in the latter's own Castle of Bergaveny or elsewhere.¹ At the same time the portion of the earldom which belonged to him was granted to Sir John Hastings. He was the elder brother of that Sir Edmund Hastings who married Lady Isabella Comyn, and was in possession of the other portion of the earldom of Menteith, as stated in a previous chapter.

Malise, Earl of Strathern, who was also on the side of Bruce, escaped for the time. It was, however, provided that, when he should surrender himself or be taken, he should share the fate of the Earl of Menteith, and he was afterwards incarcerated in England. He presented a memorial to Edward endeavouring to excuse his being found with Bruce. In that memorial he relates how unwilling he had been to acknowledge Bruce, and that though repeatedly sent for to pay the required homage, he had refused to do so, and had only consented to an interview on obtaining letters of safe-conduct;

¹ Rymer's *Fœdera*, vol. i. p. 995.

that Bruce having got the Earl of Strathern into his power, had conveyed him to Inchmahome, where, however, he still refused the required homage; that Sir Robert Boyd had then advised the King to take off the Earl's head and grant his lands to others, upon hearing which Strathern had yielded, acknowledged Bruce as his King, and performed homage; that he was afterwards summoned by Bruce to proceed with him in his expedition against Perth, but instead of complying with the summons, had written to Sir Aymer de Valence, Earl of Pembroke, Edward's governor at Perth, that he was ready to come to his assistance; that Bruce was at Perth before Strathern's arrival, and on his approach sent for him, but he had refused to come without hostages being given for his safety, which being granted in the persons of the Earl of Menteith and Walter of Moray, the Earl of Strathern had a conference with Bruce; that forfeiture was threatened unless he fought against Sir Aymer de Valence, but the Earl of Strathern had said he would not bear arms nor assist with advice to the injury of Edward or his people, whereupon he had returned and restored the hostages.¹

Alan Earl of Menteith is said to have died in England during his imprisonment.² It is not known whom he married, but he left a daughter, Lady Mary, who was styled Countess of Menteith, and married Sir John Graham. According to Duncan Stewart he also left a son under age, who died without issue, probably before the restoration of the earldom of Menteith after the battle of Bannockburn, by which time Sir John Hastings and Sir Edmund Hastings had been deprived of it. It then passed into the hands of Sir John Menteith, the uncle of Alan, who held it as guardian until Murdach, a younger brother of Alan's, succeeded to the earldom and dignity.

¹ Palgrave's Historical Documents, vol. i. p. 319.

² History of the Stewarts, p. 208.

MURDACH, EIGHTH EARL OF MENTEITH,

AND

ALICE HIS COUNTESS.

1318--1332.

THE precise position of this Murdach in relation to the earldom of Menteith has given rise to doubts and difficulties on the part of the Peerage writers in dealing with him. Tradition refers to him as the next Earl after Alan, but Alan was known to have left no male heir who succeeded him in the earldom, and it should therefore have devolved on his daughter, the Lady Mary, as in former failures of heirs-male it had descended to the female heirs. What, then, was the exact relationship of Earl Murdach to Earl Alan? Murdach himself answers this question in a charter which he granted to his kinsman, Walter, son of Sir John Menteith. He there designates himself Murdach, Earl of Menteith, son of Sir Alexander, formerly Earl of Menteith, which proves him to have been the brother of Earl Alan. Yet some explanation is desirable as to how he succeeded to the earldom in preference to his niece Lady Mary, the only daughter of Alan, after the repeated instances of the inheritance of the earldom by females. On the death of her father, Lady Mary was very young, and was therefore taken charge of by the Crown as a ward. This appears from the reply by the Parliament of Scotland to a letter from the King of France in the year 1308, in which it is stated that the heir of the earldom of Menteith is in ward.¹ Lady Mary was not of sufficient age to assume the care of the earldom, and it had not on former occasions prospered in the hands of heiresses. By

¹ Acts of the Parliaments of Scotland, vol. i. p. 459.

a family arrangement the earldom was for the time transferred to Murdach, the uncle, to revert again to Mary, in the event of her marriage, or of her uncle's death without male issue. That it really was restored to Mary is shown in the sequel.

Another feature in the case should not wholly be lost sight of. The guardianship of the earldom of Menteith was at this time in the hands of Sir John Menteith of Rusky, younger brother of Earl Alexander, and uncle of Earls Alan and Murdach. This strengthens the theory of Lady Mary being in her nonage when the restoration of the earldom took place after the successful attempts of King Robert the First to regain his crown and kingdom, and that the King, recognising the loyalty of Earl Alan, and his consequent sufferings, appointed Sir John Menteith guardian of the earldom on behalf of Lady Mary Menteith. It would, therefore, probably be by Sir John's instrumentality that the arrangement was made, whereby Murdach was permitted to assume the title of Earl, while, at the same time, Sir John, by the King's appointment, retained the office of guardian, for so he styles himself in the letter from the Scottish Barons to the Pope in 1320.¹

At the time of Earl Alan's death the earldom of Menteith was in the hands of the two English brothers, Sir John and Sir Edmund Hastings. But the battle of Bannockburn, in 1314, must have terminated their connection with the earldom. Indeed, this connection was ignored by the Scots, who, as formerly mentioned, considered that the heir of the earldom of Menteith was in ward. It seems probable, too, that the two halves of the earldom were again united in one, and that Murdach became possessed of the whole territorial earldom of Menteith.

The first mention of Murdach as Earl of Menteith is upon his appearance in a Parliament held by King Robert the First at Scone in 1318, where he

¹ Acts of the Parliaments of Scotland, vol. i. p. 474.

witnessed a deed by the King on the 18th December of that year.¹ From King Robert, Murdach received several grants of lands, but the charters, although they appear in the index to the Missing Charters of King Robert's reign, have long since been lost. He received, between 1314 and 1329, the baronies of Barnbogle and Dalmeny, forfeited by Roger of Moubray, and the lands of Gilmerton in the county of Edinburgh, which had been forfeited by William of Soulis.² He also received the lands of Rothiemay, in Banffshire, in free barony, and by another charter the half barony of Rothiemay;³ and by another charter from King Robert, the lands which belonged to William Ferrar, in the shire of Fife.⁴

In an anonymous Latin chronicle of events connected with Scotland during the reign of King Edward the Second, quoted by Stevenson,⁵ the following passage occurs:—"About this year (1320) William of Soulis, Patrick of Graham, David of Wemyss, Philip Moubray, Alexander Moubray, Murdach of Menteith, and many other nobles of Scotland, conspired against King Robert, but were betrayed by the foresaid Murdach, and certain of them were drawn and hanged. Alexander Moubray fled into England. On account of this service Murdach was made Earl of Menteith." This account of how Murdach obtained the earldom is not sufficiently authentic to warrant its acceptance. He was certainly Earl in the year 1318, or two years anterior to the event which the chronicle says was the cause of his receiving the earldom. King Robert the Bruce made many grants of land in his readjustment of the kingdom after the expulsion of the English, and the grants to Earl Murdach, although part of the forfeited possessions of the conspirators,

¹ Acts of the Parliaments of Scotland, vol. i. p. 478.

⁴ Robertson's Index, p. 19.

² Robertson's Index, pp. 11, 21.

³ Registrum Episcopatus Aberdonensis, vol. i. p. 157; Robertson's Index, pp. 16, 20.

⁵ Illustrations of Scottish History, pp. 9, 10.

are rather a proof of the fidelity with which Murdach, Earl of Menteith, had stood by his sovereign in his time of need. He received further gifts from King Robert in the last year of his reign, 1329, as appears from the accounts of Reginald More for that year, who mentions that he gave four chalders of wheat to the Earl of Menteith as a gift from the King, and from those of Robert of Peebles, Chancellor of Scotland, who gave to Sir Murdach, Earl of Menteith, as a gift from the King, by various letters, £33, 6s. 8d.¹

In the following year Earl Murdach gave his niece, Lady Mary, whom he designated his kinswoman and the only daughter of the late Alan Earl of Menteith, the lands of Aberfoil, Drongary, Buchliven, Cumlacht, and Buchapil, and ten marks of the land which is called Cath-leine-Mushet.² During his tenure of the earldom Murdach granted the lands of Thome to Sir Walter of Menteith, eldest son of Sir John Menteith. The lands of Thome formed part of the earldom of Menteith. To Gilbert of Drummond he gave, for homage and service, all the western half of the town of Buchchoppill; and to Robert of Logi, also for homage and service, he gave the lands of Easter Broccoli, both of which pertained formerly to the earldom.³

The death of King Robert the Bruce, while his son David was but a youth, again placed Scotland under the control of a regency. Randolph, Earl of Moray, was the first Regent, but he died suddenly, it was suspected by poison, while making active preparations for repelling a threatened invasion by certain powerful English Barons. In his stead Donald, Earl of Mar, was chosen Regent, but he was unsuccessful in conducting the military operations which the attempts of Edward Baliol on the Scottish crown now rendered necessary. Baliol had seized the opportunity afforded by the death of King Robert for asserting his own claims to the crown, and had put himself at the

¹ Exchequer Rolls, vol. i. pp. 179, 210.

² Duncan Stewart's History, p. 208.

³ Vol. ii. of this work, pp. 227-230.

head of several Barons who had been disinherited by Bruce for adhering to the English King. Two English Barons also leagued themselves with Baliol. The invasion was accomplished by their effecting a landing at Kinghorn in Fifeshire, while Mar lay with a large army at a distance without attempting to oppose it. Baliol pressed forward to Dunfermline, thence to Strathern, receiving large reinforcements in his progress. He found the Earl of Mar prepared to meet him with his army drawn up on Dupplin Moor, near Perth, while the Earl of March, with another army, threatened his flank from Auchterarder. Mar seems to have given up all attempt at discipline amongst his soldiers; no watch was kept, and they were permitted to spend the night in feasting and intemperance, even in the close presence of the enemy. On the other hand, Baliol was thoroughly on the alert, and, guided by Andrew Murray of Tullibardine, who knew the country, attacked the camp of the Earl of Mar during the night, when most of his soldiers were heavy with sleep and wine. A terrible carnage ensued, and must have ended in the total rout of the Scottish army had not Randolph, Earl of Moray, son of the late Regent, and Murdach, Earl of Menteith, with Robert Bruce and Alexander Fraser, hastily rallied their men and driven back the English soldiers. By this time morn was breaking, and Mar might have redeemed the first loss by crushing the entire force of Baliol, which stood revealed as scarce a tenth of the number of his own. The brilliant charge of Menteith and his friends afforded opportunity, if it had been taken, for the formation of the main body, as any ordinary caution on Mar's part could not have failed to secure an easy victory. But, regardless of all order and discipline, he fairly hurled his soldiers, in a mixed mass of infantry and horse, at Baliol's small band, and such was the impetuosity of their onset that his troops trod each other down, and numbers of them were suffocated in the inextricable confusion. The English, on the other hand, stood firm in

their ranks, and hewed down those of their opponents who reached them. Mar himself was amongst the slain, and here also fell Murdach, Earl of Menteith, with two of his brave comrades, the Earl of Moray and Alexander Fraser. This battle of Dupplin took place on the 12th April 1332. Some have thought that the Earl of Menteith survived the battle, and fell in the following year at Halidon Hill. But Wyntoun mentions distinctly Murdach's death at Dupplin,¹ and says nothing about his being at Halidon. In this Wyntoun is supported by Walsingham,² Fordun,³ the historians of Lanercost,⁴ the chroniclers of Pluscarden,⁵ and others.

Murdach, Earl of Menteith, is nowhere stated to have been married, or to have left any children; but there is strong reason for believing that the Alice, Countess of Menteith, who is mentioned as a recipient of King Edward the Third's bounty, was the wife of Earl Murdach. After his death she had retired to England, somewhere near the Borders, and seems to have petitioned the English King for assistance, or her case had been represented to him as one of necessity. On 20th May 1335, he wrote to his treasurer sympathising with the Countess, as having come to his allegiance and dwelling in England, and ordered him to pay her twenty-six shillings and eightpence every seven months. On the 24th September of the same year, while Edward was at Edinburgh, he instructed his treasurer and chancellor to pay ten marks to Alice, Countess of Menteith, in payment of her expenses; and on the 27th of January following, Robert de Tong, receiver of the King's victuals at Berwick, was commanded to supply victuals to the Countess to the value of ten marks, and at the same time her pension was reduced to ten shillings every seven months. It was again raised to the former sum, and confirmed to her

¹ Chronicle, vol. ii. pp. 152, 153.

² Historia, p. 113.

³ Scotichronicon, a Goodall, vol. ii. p. 305.

⁴ Chronicon, p. 268.

⁵ Liber Pluscardensis, p. 266.

for life by an order of King Edward's, dated 12th July 1339, and forty shillings of arrears were to be paid her by his command of 20th August the same year. But the grant of the pension for life was recalled in the following year, and was made to depend on the pleasure of the King, the mandate, which is dated 20th February, confirming the payment of certain arrears.¹

In the injunction to Robert de Tong, his officer at Berwick-on-Tweed, King Edward states as a reason for his command, that Countess Alice was not permitted to receive anything from her estates and goods.² This helps to corroborate the theory of the agreement made between Murdach and his niece Mary, whereby the latter was to receive back the earldom, either on Murdach's death or on the occasion of her marriage or coming of age. On Murdach's death, therefore, the earldom must have been reclaimed by Mary, and Alice, unwilling or unable to retain her position, would be compelled to leave the country; and as her nearest refuge, she placed herself under the protection of the English King. Edward, in granting her the sustenance he did, very probably thought that Scotland would soon be in his own power, when he would be able to recover, with ample interest, the sums bestowed on the Countess, and for which he held her receipts. Of the Countess herself we learn no more after 1340. Further than that her name was Alice, there is no record as to who she was or from what family she was descended.

¹ *Rotuli Scotiæ*, vol. i. pp. 346, 399, 570, 572; *Rymer's Fœdera*, vol. ii. pp. 922, 931, 1113.

² *Ibid.* p. 399.



LADY MARY MENTEITH, COUNTESS OF MENTEITH,

AND HER HUSBAND,

SIR JOHN GRAHAM, NINTH EARL OF MENTEITH.

1332—1360.

LADY MARY MENTEITH was the only daughter of Alan, seventh Earl of Menteith. The exact date of her birth has not been ascertained, but as her father died in the year 1306, she must have been born before or about that time. Her early years were not spent in the paternal home, as on her father's capture and death the earldom of Menteith had passed into the possession of the English. Lady Mary may have been brought up at Rusky, the residence of her granduncle, Sir John Menteith, who at that time was a partisan of the English King. This appears the more likely, as she during her after-life showed great interest in Sir John's family, and also as he, after his reconciliation with King Robert the Bruce, was made guardian of the earldom.

While Lady Mary was still under age, an agreement was entered into by which her uncle Murdach obtained the earldom, and held it until his death in 1332. This agreement has been referred to in the preceding Memoir.

At the time of her uncle Earl Murdach's death, Lady Mary must have reached mature age, and it may be supposed she at once claimed the earldom. Shortly afterwards she married Sir John Graham, one of a family whose gallant deeds and devoted loyalty have rendered their name famous in history. As the Lady Mary and the knight were related to each other within the forbidden degrees, their union was illegal according to ecclesiastical law. Application was therefore made on their behalf to Pope John the Twenty-

second, and on the 1st of May 1334 he granted a dispensation for celebrating a new marriage.¹ A translation of the papal document is here given :—

John, etc. To our venerable brother, [Maurice] Bishop of Dunblane, greeting. The circumspect benignity of the apostolic see, sometimes tempering rigour with kindness, graciously and mercifully permits what the severity of the law denies, as that appears to be healthfully expedient in the Lord, regard being had to the quality of persons, places, and times. Forasmuch as on behalf of a beloved son, a noble man, Sir John Graham, and of a beloved daughter in Christ, a noble woman, Mary of Menteith, of your diocese, there has been presented to us a petition, narrating that they, long desiring to be united in matrimony, though they knew that they were related in the fourth degree of consanguinity, yet induced by certain sure and real causes which have been stated to us, have solemnly contracted marriage, otherwise lawful, in face of holy kirk, and have since consummated the same ; seeing also, as they assert, that very many scandals and evils might arise if a separation of this marriage should be made, they have humbly petitioned us that we would, of our apostolic kindness, mercifully deign to provide to them the blessings of absolution from the sentence of excommunication which they have hereby incurred, and of dispensation. We, therefore, who desire the salvation of souls and the increase of peace and quiet to every one, willing also to obviate scandals and evils of this nature, do, by apostolic letters, command you, brother, that if it be so, and if it seem to you expedient that the said dispensation be granted, with which we burden your conscience, the foresaid knight and Mary having been separated for such time as shall seem right to you, you may, according to the forms of the Church, absolve them from the sentence of excommunication which on the foresaid account they are known to have incurred, it being among other things enjoined on them by an oath that they shall not again commit the same offence, nor afford help, counsel, or favour to any committing the like ; and a salutary penance, and other things which shall of right have been enjoined, having been imposed upon the said John and Mary, finally, by the aforesaid authority you may dispense with the same, so that, such impediment notwithstanding, they may

¹ Theiner's *Vetera Monumenta*, p. 262, No. DXXV.

contract a new marriage, and lawfully abide therein, declaring that the offspring conceived and to be conceived of the said marriage shall be legitimate. Given at Avignon, the first of May, in the eighteenth year of our pontificate [1334].

It has not been ascertained from what family of the Grahams this Sir John Graham was descended. It is probable that he was the younger son of an ancestor of the family of Montrose, Sir Patrick Graham of Kincardine, who was killed at Dunbar in 1296. The papal dispensation informs us that he was related to the Countess of Menteith in the fourth degree, but this furnishes only a vague idea of what the relationship really was. There were intermarriages between the families of Graham and Strathern, and between Strathern and Menteith, of which we have historical record; but, on the other hand, other matrimonial alliances may have taken place of which we have no intimation, bringing the parties within the forbidden degrees. Were it possible now to obtain the terms of the petition presented to the Pope for this dispensation, the exact state of the relationship might appear, but as it is, the question must be left to conjecture.

As the dispensation was granted in 1334, the Countess and Sir John Graham must have been married before that year; but they were no doubt remarried on the arrival of the dispensation, and the expiry of the sentence of penance which the Bishop of Dunblane was enjoined to impose. Sir John Graham became Earl of Menteith, apparently by courtesy through his wife; but as to this no evidence has been preserved. He held the title for twelve years. As Earl of Menteith he witnessed a charter by Robert the Steward of Scotland to William of Douglas of the lands of Bondigiston, Drumcross, and Bernes.¹

While Sir John Graham was Earl of Menteith, the barony of Barnbogle, which King Robert the Bruce had bestowed on Earl Murdach, after the

¹ Registrum Honoris de Morton, vol. ii. p. 35.

forfeiture of Roger of Moubray, passed again from the Menteith family, and after remaining in the hands of King David the Second for a number of years, was bestowed by him upon Sir Bartholomew of Loen and his wife Philippa of Moubray. It would appear from King David's charter that Sir John Graham and Mary, Earl and Countess of Menteith, were due the King two thousand marks sterling, for marriage and relief, and that they had resigned the barony of Barnbogle with all right and claim which they had therein, before the King in Council, at Perth on the 3d of May 1346, in return for an acquittance and remission sought and obtained from him for that sum. It is provided in the charter that if any heirs of the Earl and Countess of Menteith should at any future time challenge their renunciation or this gift by the King, such heirs were to pay to Sir Bartholomew and his spouse Philippa, or their heirs, the sum of two thousand marks before entering on any litigation; and as a warrandice, the holders of the barony were to have right to distrain the earldom of Menteith, with all goods found therein, and to apply the same to their own use until the money was paid. This they might do without obtaining a licence from the King or his heirs.¹

Towards the close of the year 1346, the Earl of Menteith accompanied his sovereign, King David the Second, to the north of England. David had not long returned from the French Court, whither he had been sent by the Estates of Scotland until the country had been rendered more safe for his reception, and when Philip, King of France, was being hardly pressed in the war waged against him by Edward the Third of England, King David resolved to give assistance to France by creating a diversion in England. He accordingly collected an army at Perth, and marched to the Borders, where he reduced several strongholds occupied by the English, and wasted part of their

¹ Vol. ii. of this work, p. 247.

territory. Afterwards, in opposition to the warnings and remonstrances of Sir William Douglas, the chivalrous knight of Liddesdale, who knew by experience the strength of the northern English Barons, David led his army across the Border, and encamped in the vicinity of the town of Durham. Meanwhile the English had gathered together what forces they could, and a large body of soldiers which had been collected to embark for the Continent was sent to the north. The neighbouring prelates, too, brought their retainers, and a considerable army was raised, which advanced to meet the invading troops of the Scottish King.

The presence of the English army was unknown to the Scottish leaders until the knight of Liddesdale, while on a foraging expedition, accidentally came upon them on the morning of the 17th October. Douglas, taken by surprise, retreated to the main body, with considerable loss, and the Scottish army was hastily disposed in order of battle to resist the English, who were now advancing upon them. Unhappily, however, King David's position was ill chosen, as it permitted the English to get close to the Scots without being seen. The English archers were almost within bowshot, when the Earl of Menteith, observing the danger, strongly urged the King to send a body of cavalry to charge the bowmen in flank. His advice was disregarded, and as the danger grew more imminent, and the archers were about to shoot, he cried, "Give me but an hundred horse, and I engage to disperse them all, so we shall be able to fight more securely." His appeal being still unheeded, the Earl hastily leaped on his horse, and followed by his own retainers, rushed upon the advancing archers. But the first flight of arrows had already sped, and the gallant Graham was too feebly supported to effect the dispersion of the bowmen. He fought bravely but vainly against odds, and was compelled to retreat at considerable risk and without his horse, which had been killed under him. King David's unfortunate refusal of the Earl's

request helped to insure the disastrous defeat of the Scots. A cavalry engagement with the bowmen would have given the King time to complete the disposition of his troops, but as it was, the galling fire of the arrows rendered that more difficult, and before the Scots were ready the English horsemen and footmen were upon them. Their divisions were broken up and scattered, thousands of the Scottish soldiers were laid dead and dying on the field, and many of David's barons and nobles were made prisoners. The battle, after three hours' fighting, was terminated by the capture of the Scottish King himself. The Earl of Menteith, also, was amongst the prisoners, having fought hard in what he must have felt to be a useless struggle, since the first opportunity was lost. The Earl's gallant conduct in this battle is graphically described by Wyntoun in the following lines:—

The Inglis archerys come so nere,
 That wyn to thame welle nere mycht thai.
 Than gud Schyre Jhone the Gráme can say
 To the Kyng, “ Gettis me, but má,
 Ane hundyre on hors wyth me to gá,
 And all yhone archerys skayle sall I :
 Swá sall we fecht mare sykkerly.”
 Thus spak he, bot he mycht get náne.
 His hors in hy than has he táne,
 And hym alláne amang thame ráde,
 And rwdly rowme about hym made.
 Qwhen he a qwhile had prekyd thare,
 And sum off thame had gert sow sare,
 He to the battaylis ráde agayne.
 Sa fell it, thai his hors hes slayne.¹

The chronicler adds that Menteith was taken with other Scottish Earls.

¹ Wyntoun's Cronykil, vol. ii. p. 262.

Along with King David and the other prisoners the Earl was conveyed to London, and incarcerated in the Tower by order of King Edward the Third, who at that time was absent in France conducting the siege of Calais. The order was dated 8th December 1346. Thomas d'Everwyk (York) was named custodier of the Earl of Menteith, and promise was made that he should be indemnified for his charges. On the 22d February following, Edward and his Council at Calais issued an order to Galfrid of Wychingham, Mayor of London, and other three with him, to sit in judgment on the Earls of Menteith and Fife. The former was charged with breach of his oath of fidelity made to the King of England, of whose Council he had been a member, and both with breach of allegiance sworn to Edward Baliol, by rising in arms. The Earls were also charged with causing the bloodshed and destruction consequent upon the war. Along with this order, and bearing the same date, was transmitted a schedule of the judgment which the English King and his Council had decided should be the finding of the court, that the Earls should be convicted of being traitors, and as such attainted, drawn, hanged, beheaded, and their bodies quartered, their heads placed on London Bridge, and the quarters of their bodies sent to the four principal towns of the north—York, Newcastle-upon-Tyne, Carlisle, and Berwick—to be there hung in chains for an example and terror to traitors. It was further ordered that this sentence should be executed on Sir John Graham, Earl of Menteith, but that Duncan, Earl of Fife, should for the present be spared because of his blood relationship to the King.¹ On 22d February the King granted the order at Calais; a few days thereafter the court sat and gave decree in terms of his Majesty's remit, and before the 6th of March the sentence had been carried out in all its ghastly cruelty. On that day orders were issued in the King of England's name for the disposal of Menteith's remains, and two days afterwards

¹ Rymer's *Fœdera*, vol. iii. p. 108.

Edward's treasurer and the Barons of the Exchequer received orders to pay the expenses incurred in the trial and execution.¹

Thus died Sir John Graham, Earl of Menteith. Condemned as a traitor by a foreign King, he was such a traitor as was Sir William Wallace, who died in the defence of his country's independence. One of the many Scotchmen who perished in the fatal grasp of the Edwards of England, the bravery displayed by Sir John Graham at the battle of Durham, his consistent and courageous devotion to the cause of his country, and his final martyrdom, embalm his memory in the annals of the Earls of Menteith.

After this tragic termination of her husband's career, the Countess Mary possessed the earldom of Menteith for a considerable time, during which hostilities arose among the neighbouring families of Menteith, Drummond, and Campbell of Argyll, which proved fatal to members of both the houses of Menteith and Drummond. The Menteiths especially suffered severely, no fewer than three brothers having been slain, with a number of their followers. At length King David the Second interposed, and persuaded the parties to come to an amicable agreement. The agreement is printed among the charters in the second volume.²

It was entered into on Sunday the 17th of May 1360, on the banks of the Forth, near Stirling, in presence of Sir Robert Erskine and Sir Hugh Eglinton, justiciars of Scotland, accompanied by Sir Patrick Graham and many other noblemen and gentlemen. On the one side was John of Drummond, and on the other side were John and Alexander, brothers of the late Walter Menteith. The enmities and discords which had sprung up between these families were finally put to rest by the following arrangements.

¹ Rymer's *Fœdera*, vol. iii. p. 110 ; *Rotuli Scotiae*, vol. i. pp. 689, 690.

² Vol. ii. of this work, p. 239.

To compensate for the slaughter of Walter, Malcolm, and William, brothers of John and Alexander Menteith, and their men and adherents, slain by John of Drummond and his men or adherents, as also for all injuries done by John of Drummond, Maurice his brother, and Walter of Moray, or others his men and adherents, to the brothers or their friends up to the date of this agreement, John of Drummond granted the lands of Rosneath in the earldom of Lennox to Sir Alexander Menteith and his heirs. It was specially provided that though in the charter mention was made of homage and service, according to common form, yet Sir Alexander Menteith should not be required to perform any service except suit and homage. It was also agreed that if Sir Alexander Menteith should prefer his late brother Walter's nearest heir to succeed him in the lands of Rosneath rather than his own children, that heir should be entitled to the lands.

The lands of Rosneath had been granted by Countess Mary in her widowhood to John of Drummond, and they were only now restored to the family of Menteith. The charter by John of Drummond to Sir Alexander Menteith was confirmed by Walter of Fasselane, Earl of Lennox, and afterwards by King Robert the Second at St. Andrews, on 30th March 1372. In the royal confirmation it was provided that the lands should be held by the said Alexander and his heirs, as freely and quietly as they had been held under the charter or letter of the deceased Countess of Menteith by the deceased John of Drummond, and other writs following thereupon.¹

In the agreement John of Drummond became security for himself and his heirs, his brother Maurice, Walter of Moray, and all others his friends, relatives, and adherents for whom he could be responsible, that no further harm should be done by them to the Menteiths or their

¹ *Registrum Magni Sigilli*, pp. 113, 114.

friends, and that no animosity should be kept up by them for any wrongs they had received.

John of Drummond also became security that Gillespie and Kessan, called Macghilecharrick, Donald son of Gilbert, Duncan son of Nigel, and all others who had been present at the murder of Brice the procurator, should be unmolested by him or those for whom he was surety on account of that murder, or any other irregularities committed by them. If, however, any other kinsmen of the said Brice chose to prosecute for his death, it should be quite open to them to do so in form of law.¹ In the same manner, Finlay son of Ay was assured by Sir John that no harm should be done to him by any of his friends on account of anything he had done.

On the other hand, John and Alexander Menteith pledged themselves to remain in cordial friendship with John of Drummond and his party. In addition, Walter of Buchanan, nephew of the late Walter Menteith, firmly bound himself by oath, that he, his heirs and dependants, would faithfully observe this treaty.

The Menteiths were unable to give security for Gillespie Campbell and his son Colin or their adherents, but they obliged themselves that if the Campbells rebelled against John of Drummond, they would defend him with all their might, and as often as there should be occasion. They further obliged themselves that so soon as the true and nearest heir of the late Walter Menteith came of lawful age, they would cause him to make, at his own trouble and expense, letters under his seal, in all points similar to the present, and deliver them to John of Drummond and his heirs. In the event of this not being done, the lands of Rosneath were to revert to John of Drummond and his heirs irredeemably, and the Menteiths were to be in

¹ Brice Drummond is said to have been a cousin of John of Drummond, and to have been slain in 1330. Malcolm's Memoir, p. 29.

the position in which they were before the making of this agreement. If by any rashness or deceit the Menteiths should slay or procure the death of John of Drummond, or any of his friends or men, for any cause arising prior to this compact, he who committed or favoured the commission of such a deed was to be shunned in every court and assembly as infamous, and to be deprived of all knightly honours. So should it be done also to any who failed to take part with John of Drummond and his friends in the defence of this treaty, and specially if Sir Alexander Menteith neglected to do so, the lands of Rosneath were to be restored to John of Drummond and his heirs for ever. Finally, both parties, laying aside every suspicion and dissimulation, bound themselves to each other sincerely to maintain in all time to come these bonds of mutual love, as if there had never been any dissension between them. To complete their agreement, John of Drummond, Maurice his brother, and Walter of Moray, on the one part, and John and Sir Alexander Menteith and Walter of Buchanan, on the other, personally and severally, gave their oaths by touching the gospels.

Moreover, Robert, High Steward of Scotland, Earl of Strathern, for himself and his heirs, as the principal relative of both parties, the Earls of Douglas and Angus, and Sir John Menteith of Arran, dismissed all enmity which they had against John of Drummond and his friends for the slaughter of Walter, Malcolm, and William Menteith, their kinsmen; and at the instance of the brothers, as well as for the sake of concord, they promised to refrain from further pursuit of the quarrel. This treaty of peace they confirmed in all points as laudable, acceptable, and thoroughly useful; and they undertook that if either of the parties infringed the same, they would rise together against that party with their power and counsel. For greater evidence of all the premises, duplicates of the agreement were made, one for either party, and the said Lords caused their seals to be appended to them. To the

duplicate remaining with John of Drummond, John and Alexander Menteith and Walter of Buchanan appended their seals; and to the one remaining in the hands of John and Alexander Menteith, John of Drummond, his brother Maurice, and Walter of Moray appended their seals. An additional clause provided that if John Menteith or his nephew Walter should be moved by any cause or resentment for prior events to seek the death of John of Drummond or any of his friends, or if they should not assist them against any of their party who should perpetrate such a crime, on the fact being proved, the lands of Rosneath should revert in perpetuity to John of Drummond and his heirs, as before provided in regard to Sir Alexander Menteith.

This indenture reveals in plain terms the insecure state in which the early feudal customs placed life and property in the time of the early Stewart Kings, while it also informs us of the means by which the fierce feuds, which from jealousy and other causes not unfrequently broke out between neighbouring families, were met and overcome. Such contentions were often difficult to quell, and too frequently lasted until one or both sides had paid the cost in their best blood. Once begun, they were seldom confined to the families in which they originated, and in the present instance the Campbells of Argyll and others had become involved. Matters had thus assumed an aspect sufficiently grave to require the prompt interference of the royal authority, and it is gratifying to find that in this case the conciliatory measures proposed were successful in securing a lasting harmony between the two families of Menteith and Drummond.

It was evidently with reluctance, however, that John of Drummond parted with the lands of Rosneath, but they never reverted to him or his heirs. By the charter of King Robert the Second before mentioned, they were confirmed to Sir Alexander Menteith in 1372. In 1455 the lands were

annexed to the crown along with the castle of Dumbarton,¹ and Colin, first Earl of Argyll, Chancellor of Scotland, received them by a charter under the Great Seal on 9th January 1489.² Rosneath is now the property of the Duke of Argyll, as the representative of the Chancellor.

The Countess Mary took an active part in the settlement of these family feuds. She made large grants out of her own earldom of Menteith, presumably for the purpose of securing the acquiescence and support of Gillespie Campbell and his son Colin to the agreement. It was a considerable sacrifice to make, but as the Campbells were independent of both parties to the agreement, it was the only way in which they could be won over. By one charter the Countess granted to Archibald or Gillespie Campbell, son to Sir Colin Campbell of Lochaw, all her lands of Kilmun in Cowal, to be held of herself and her heirs, feu, for payment of a pair of Parisian gloves at the fair of Glasgow, if the same were asked.³ By another charter Mary, Countess of Menteith, granted to the same Archibald Campbell all the lands within the barony of Cowal which she held of the Steward of Scotland, to wit, the lands of Keanlochkilmun, Correikimore, Stronvonag, Correntie, Bernicemore, and Stronnahunseon, to be held of the Countess and her heirs, feu, for payment of a silver penny at the fair of Glasgow, if it were asked.⁴ Of these charters, neither bears the date or place at which it was granted, but the latter was confirmed by King David the Second on 25th May 1360, and the former on 11th October 1361.⁵

The Countess Mary further exerted herself in the matter of the agreement so much, that a marriage had been arranged and had actually taken place, prior to the date of the agreement, between her daughter, Lady Margaret

¹ Acts of the Parliaments of Scotland, vol. ii. p. 42.

² Argyll Charters.

³ Argyll Inventory, vol. i. p. 323.

⁴ *Ibid.* p. 323.

⁵ *Ibid.* p. 324.

Graham, and John Drummond. This marriage is distinctly stated to have been arranged in the interests of peace.

Lady Margaret Graham was, so far as is known, the sole issue of the marriage between Mary, Countess of Menteith, and Sir John Graham. Being the heiress to the earldom of Menteith, she was the object of much attention from the Earls and Barons of Scotland, and a lady of many marriages. Her romantic career is noticed in the following chapter.

The last we hear of the Countess Mary is in the arrangement of her daughter's fourth marriage with Robert Stewart, son of the High Steward. In the dispensation granted by the Pope on 9th September 1361 for this marriage, mention is made of an agreement between their parents. The only surviving parent of the lady was her mother the Countess Mary, and Robert Stewart was the third son by Elizabeth Mure of Robert Stewart, Earl of Strathern, afterwards King Robert the Second.

The Countess Mary died probably soon after this. The precise date of her death has not been ascertained, but it must have been prior to 1372, as in the charter of confirmation, dated in that year, by King Robert the Second to Sir Alexander Menteith of the lands of Rosneath, she is mentioned as deceased. The actual place of her sepulchre is also unknown, but it was probably in the family burial-place in the Priory of Inchmahome, or in the Abbey of Cambuskenneth.

LADY MARGARET GRAHAM, COUNTESS OF MENTEITH,

AND HER FOUR HUSBANDS,

1. SIR JOHN MORAY, LORD OF BOTHWELL.
2. THOMAS, THIRTEENTH EARL OF MAR.
3. SIR JOHN DRUMMOND OF CONCRAIG.
4. SIR ROBERT STEWART, TENTH EARL OF MENTEITH, EARL OF FIFE, AFTERWARDS DUKE OF ALBANY AND GOVERNOR OF SCOTLAND.

1334—*circa* 1380.

LADY MARGARET GRAHAM was the only daughter of the heroic Sir John Graham, Earl of Menteith, and his Countess Lady Mary Menteith, and being also their only child she inherited the earldom, before or about the year 1360.

The history of this heiress of the earldom of Menteith is both interesting and romantic. She was four times married, and she received five dispensations from the Pope to enable her to enter into her successive matrimonial alliances. Two of these marriages occurred before Lady Margaret had attained the age of twenty years. From her second husband, Thomas, Earl of Mar, she was unjustly divorced. Her third marriage, which was made for the sake of healing the fierce feuds between the Menteiths and Drummonds, caused her to incur ecclesiastical censure, and by her fourth marriage she carried the earldom of Menteith back to the race of her maternal ancestors the Stewarts. Her fourth husband, Robert Stewart, Earl of Menteith, became also Earl of Fife, then the premier earldom of Scotland, and Lady Margaret thus became the senior Countess in the realm. She,

however, did not survive to be Duchess of Albany, as she predeceased her husband before he was created Duke of Albany in 1398.

Lady Margaret Graham was born probably before 1334, the year in which the dispensation was granted to her parents for a new celebration of their marriage, as reference is made in that writ to the children already born. She was brought up by her parents under the ancestral roof, which is supposed to have been the castle of Doune or Talla. When her father left his home to follow the standard of King David into England, from which expedition he never returned, Lady Margaret was little more than twelve years of age.

The death of her father had an important bearing on the destinies of the young heiress, and led to events which might not have taken place had he lived. Deprived of her natural protector, even though her mother still lived, she was at the mercy of circumstances, and exposed to the schemes of intriguers, who were never wanting when so great an earldom was to be acquired by marriage. To escape their schemes, and following the custom then in vogue of early marriages of heiresses, it was arranged during the year 1348, while as yet Lady Margaret had only attained her fourteenth year, that a marriage should be celebrated between her and Sir John Moray, Lord of Bothwell. The proposals for the union were favourably received at Court. One obstacle, however, stood in the way; the contracting parties were related to each other within the forbidden degrees, and to remove that impediment recourse was had by petition to the supreme pontiff for a dispensation. The Queen of Scotland interested herself in the marriage to such an extent that her Majesty presented a separate petition to the Pope to induce him to grant the necessary dispensation. The result in such circumstances could not be doubtful. Pope Clement the Sixth gave the necessary apostolic authority to the Bishop of Moray to permit the

marriage of Sir John Moray and Lady Margaret. What the relationship was which delayed the marriage it is difficult now to discover; the dispensation merely states that the parties were descended from the same family, but their parentage cannot be traced with certainty. The difficulty was overcome, and the marriage duly celebrated. A translation of the papal dispensation is subjoined:—

Clement, etc. To our venerable brother, [John] Bishop of Moray, greeting, etc. A petition on behalf of our beloved son a noble young man, John of Moray, and our beloved daughter in Christ, a noble woman, Margaret of Graham, a damsel, daughter of our beloved son, a noble man, John of Graham, Earl of Menteith, who belong to your diocese and the diocese of Dunblane, has lately been laid before us, representing that the said John of Moray and Margaret desire to be united together in matrimony; but because through descent from the same family they happen to be related within the fourth degree of consanguinity, they cannot contract this marriage without obtaining our apostolic dispensation in the matter; wherefore, on their behalf, humble supplication has been made to us that we would vouchsafe to provide for them by the ready benefit of a dispensation: We, therefore, yielding to the supplications of our very dear daughter in Christ, [Joanna,] illustrious queen of Scotland, humbly entreating us concerning this matter, and to those of John of Moray and Margaret foresaid, and for certain causes explained to us, do, by apostolic letters, command you, brother, that if it is so, you may, by our authority, grant a dispensation, so that notwithstanding the impediment which has arisen out of this consanguinity, the said John of Moray and Margaret may be free to contract marriage, and after it shall have been contracted, lawfully to abide therein; declaring that the offspring to be conceived of the said marriage shall be legitimate. Given at Avignon, the 21st November, in the seventh year of our pontificate (1348).¹

Sir John Moray was the eldest son of Sir Andrew Moray of Bothwell in Clydesdale, a brave and resolute warrior, who was for some time Regent of

¹ Theiner's *Vetera Monumenta*, p. 290, No. DLXXXIX.

Scotland during the minority of King David the Second. On the death of his father in 1338, Sir John became Lord of Bothwell, and succeeded to the hereditary office of panetarius or chief butler of Scotland, which had been conferred on the family of the Morays of Bothwell by King Alexander the Third. After his marriage with Lady Margaret Graham, Sir John received one hundred marks sterling from Master John of Inverness, chancellor of the church of Moray, who desired to found a chaplainry in that church for the weal of his own soul and the soul of Sir Andrew Moray of good memory. In return Sir John Moray obliged himself and his heirs to pay to the founder of the chaplainry and his assignees an annual rent of eight marks from the dues of his lands of Artrelly and Croy, or if the money could not be uplifted from these lands, it might be taken from any lands which he held from the bishop and church of Moray, with consent of the bishop and his chapter. This charter was granted by Sir John Moray at Elgin, on the 11th of April 1351.¹

Master John of Inverness thereupon, on 20th April, by a formal deed, apportioned the eight marks in the following manner: Six marks annually to the chaplain who should perform masses for his soul, the souls of his father and mother, the soul of Sir Andrew Moray, the father of Sir John, and the souls of all the faithful departed, at the altar of the holy cross in the church of the Holy Trinity at Elgin; two shillings and eightpence to the treasurer to provide bread, wine, and wax for the officiating chaplain; ten shillings to be distributed annually on the granter's anniversary, and ten shillings on the anniversary of Sir Andrew Moray, to those chaplains and vicars who were personally present at their funeral obsequies, but entirely excluding those who were absent or who did not come in time; two shillings for the lighting of the holy cross, and two shillings for the lighting of the

¹ *Registrum Moraviense*, p. 296.

blessed Virgin Mary, so that the church and keepers of the lights should be bound to place four lighted wax candles round the tomb of Sir Andrew Moray when they celebrated year by year his funeral obsequies on his anniversary.¹

In a charter granted by Muriella of Doune, widow of Sir William Rose of Kilravock, and daughter of the late Andrew of Doune, to her second son Andrew of Rose, of her part of the lands of Killayne and Pitfure, within the barony of Avach, she states that the grant is made with assent, consent, and licence of a noble man, her overlord, John of Moray, Lord of Bothwell and of Avach; and in a duplicate of the same charter she styles Sir John Moray "Earl of Menteith and Panitarius of Scotland."² It is somewhat difficult to understand how Sir John came to bear the title of Earl of Menteith, seeing that Lady Mary Menteith, the mother of Lady Margaret Graham, was still alive and bearing the title of Countess of Menteith. Perhaps it was merely accorded to him as a courtesy title by his dependants on account of his marriage with the heiress of Menteith, for he is not styled Earl of Menteith in any of the public documents of the time. Had it been the usual custom on marrying titled heiresses for the husbands at once to assume the title, we should have expected the succeeding husbands of Lady Margaret to be styled Earls of Menteith likewise. Of this, however, there is no evidence; but the fact of Sir John Moray being so designated in that charter proves that he was the husband of Lady Margaret Graham.

It is also interesting to note that Lady Margaret Graham assumed the surname of her husband as well as the title of Countess of Menteith. King David the Second confirmed at Scone, on 12th November 1362, an undated charter by Margaret of Moravia, Countess of Menteith, to John Drummond of Concraig, of the lands of Aberfoyle, lying within the earldom of Menteith.³

¹ *Registrum Moraviense*, p. 298.

² Rose of Kilravock, p. 116.

³ Vol. ii. of this work, p. 246.

Sir John Moray died either towards the close of the year 1351, or in the beginning of the following year. As he left no children by his wife, Lady Margaret Graham, he was succeeded by his younger brother, Thomas Moray of Bothwell.

The hand of Lady Margaret was soon afterwards sought in marriage by Thomas Earl of Mar. He was the last male heir of the very ancient race of Mar, Earls of Mar, and is commonly called the thirteenth Earl. As in the former marriage, there existed some blood relationship, now untraceable, between Lady Margaret and the Earl of Mar, which delayed their union until the Church could dispense with the impediment. But the Earl, eager for an alliance with the heiress of so ancient an earldom as Menteith, made personal application to Rome for the removal of all hindrances. The Earl's petition to Pope Clement the Sixth appears to have set forth that he could not readily find in all Scotland any other match so becoming his rank. The Pope granted the prayer of the petition by a formal dispensation for the marriage, of which the following is a translation :—

Clement, etc. Unto a beloved son, a noble man, Thomas Earl of Mar, and a beloved daughter in Christ, Margaret, widow of the late John of Moray, of the diocese of Aberdeen, greeting. The watchful providence of the apostolic see, tempering at times the rigour of justice with kindness, with gracious benignity permits what the institutes of the sacred canons forbid, regard being had to the quality of the persons and the times, as may appear usefully expedient in the Lord. Forasmuch as your petition laid before us showed that you, son Earl, cannot readily find in all the kingdom of Scotland, whence you are sprung, any woman but thee, daughter Margaret, with whom you may marry as becomes your rank, and that you accordingly desire to be united in marriage, but because you are related in the third and fourth degrees of affinity, you cannot conveniently nor lawfully fulfil this your desire without obtaining the apostolic dispensation thereupon ; wherefore you have humbly besought us that we would graciously vouchsafe to provide thereanent by a suitable dispensation : We, therefore,

for these and certain other causes explained to us, yielding to these supplications, do, by apostolic authority, and by a special gift of grace, by the tenor of these presents, dispense, that ye may, notwithstanding the impediment arising from this consanguinity, be free to contract marriage, and after it shall have been contracted, to abide lawfully therein, declaring that the offspring to be conceived of this marriage shall be legitimate. Therefore let no man whatever break this page of our dispensation, or oppose it by rash daring, but if any one presume to attempt this let him know that he will incur the wrath of Almighty God and the blessed apostles Peter and Paul. Given at Avignon, 15th August, in the eleventh year of our pontificate (1352).¹

There exists in the archives of the Vatican at Rome the record of another dispensation for the marriage of Thomas Earl of Mar with Lady Margaret Graham, which was granted, two years later, by Pope Innocent the Sixth, the successor of Pope Clement, to John Rait, Bishop of Aberdeen. It bears that Lady Margaret and the Earl, although related within the forbidden degrees, had married without having obtained a dispensation, and this was now granted in order to legalise the marriage. No notice is taken of the previous dispensation procured directly by the Earl of Mar, which may possibly have been lost on its way from Rome to Scotland. In such case the Earl of Mar, after waiting some time, may have proceeded to consummate the marriage, and afterwards on its being declared to be ecclesiastically unlawful, he may have taken the ordinary means to get it legalised. It would also seem that the Pope must have overlooked the dispensation granted by his predecessor. A translation of this dispensation, of which a copy has been procured from the register of Pope Innocent the Sixth,² is here given:—

To [our] venerable brother, John, Bishop of Aberdeen, greeting, etc. The petition lately shown to us on behalf of a beloved son, a noble man, Thomas, Earl of Mar, and a beloved daughter in Christ, a noble woman, Margaret, daughter of the late John,

¹ Theiner's *Vetera Monumenta*, p. 300, No. DCI.

² Vol. ii. of this work, p. 237.

Earl of Menteith, represented that they, some time ago, unaware of the existence of any impediment to their being lawfully married, publicly contracted marriage *per verba de presenti* in face of the church, no one opposing them, and afterwards consummated the same ; but that subsequently it came to their knowledge that they were related to each other in the fourth degree, for which reason they could not remain in their married state without obtaining an apostolic dispensation. Wherefore, humble supplication having been made to us on behalf of the said Thomas and Margaret that we would of [our] apostolic charity deign in this matter to provide them with the benefit of a fitting dispensation, we, who seek the salvation of souls, yielding to the prayers of both the foresaid Thomas and Margaret, do, by apostolic writs, for certain causes explained to us on their behalf, command and commit to you, brother, from whom we receive obedience in the Lord, that if it is so with the said Thomas and Margaret, you may, by our authority, grant a dispensation, in order that they may be able lawfully to abide in the said marriage notwithstanding the impediment which has arisen from the said consanguinity, declaring the offspring conceived and to be conceived of this marriage to be legitimate. Given at Villa Nova, in the diocese of Avignon, 29th May, in the second year [of our pontificate], 1354.

The affection of the Earl of Mar for the young heiress of Menteith, so strongly manifested before marriage, does not appear to have lasted after their union. On the contrary, he soon after procured a divorce, and his conduct in doing so is reprobated in very strong terms by a contemporary historian, who attributes the act to diabolical instigation, and alleges that the reasons given for the divorce were utterly untrue and mere pretences.¹ The true reason for this action is no doubt to be found in the fact that the Earl of Mar, naturally desirous of having children of his own to succeed to his old and historical earldom of Mar, and finding himself disappointed in this after his union with Lady Margaret Graham, as it is recorded that there were no

¹ Fordun, a Goodall, vol. ii. p. 150 :— diabolo, per exquisitos colores et rationes
 “Thomam comitem de Marr, qui desponsavit minus veras, sine prole inter eos habita
 heredem de Meueteth ; sed postea instigante divortium procuravit.”

children of the marriage, separated himself from her, in the hope that by a new matrimonial alliance he might yet have an heir. He afterwards married Lady Margaret Stewart, Countess of Angus, who was the eldest daughter and heiress of Thomas Stewart, second Earl of Angus. But he was again disappointed, and died without issue in 1377.

Thus while yet scarce more than twenty years of age, Lady Margaret Graham had already met with many misfortunes. After her divorce from the Earl of Mar, she returned to the paternal roof to share with her mother, the Countess of Menteith, the more hospitable retirement of her home. Events, however, were taking place which were to bring her another husband; deadly feuds existed between the families of Menteith, Drummond, and others around, property was destroyed, and three of the sons of Sir John Menteith of Rusky had been slain along with their men. We have already seen how the Countess Mary bestirred herself to procure a final and lasting peace between all parties, and how her daughter Lady Margaret also bore her share in the settlement by consenting to espouse the chief of the Drummonds. In prospect of this third marriage, the Countess appears to have resigned the earldom of Menteith in favour of her daughter.

John Drummond of Concraig was the eldest son of Sir Malcolm Drummond, who is said to have fallen at the battle of Durham in 1346. John Drummond had been previously married to Lady Mary of Montifex, eldest daughter of Sir William of Montifex, and had several children by her, among whom was the illustrious Annabella Drummond, the beautiful Queen of King Robert the Third. Lady Annabella was married to John Stewart in 1357, and it was after this near alliance with the crown that King David the Second persuaded John Drummond to bring the feuds between him and the Menteiths to a peaceful termination. He gave up the lands of Rosneath in Dumbartonshire, and was promised in return other lands in

Perthshire and the office of Abthane of Dull in Athole. The formal agreement, as previously shown, was drawn up on 17th May 1360; but John Drummond and the young Countess of Menteith were married at least in 1359, as apparently by the beginning of 1360 a child had been born of the marriage. It was now ascertained that the marriage had been irregular, owing to John Drummond and the Countess being related within the forbidden degrees, and recourse was had to the Pope for a dispensation. Thus was the Lady Margaret a fourth time made the subject of petition to the Pope in reference to her marriage. As on this occasion there had been a transgression of the law, a substantial penance was imposed upon John Drummond and the Countess, who were required to construct an altar in Dunblane Cathedral, and provide annually to the extent of ten marks for the services thereof, besides books, furnishings, and other necessaries. They were also enjoined to give two poor maidens in marriage, and to endow each of them with five marks of silver. The dispensation is interesting, and a translation of it is here given:—

Innocent, etc. To our venerable brother, [Walter ?] Bishop of Dunblane, greeting, etc. The order of the petition presented to us on behalf of a noble young man, John of Drummond, and a noble woman, Margaret, Countess of Menteith, belonging to your diocese, narrated that they, being for a long time past desirous of allaying and setting at rest the grievous contentions and enmities which for some time have existed between the said John and the kinsmen and friends of the said Margaret at the instigation of the enemy of the human race, from which burnings, homicides, and many other evils have ensued, desiring also to obviate more grievous dangers and ills which they feared were likely to arise therefrom, and to procure a bond of peace between them, the Lord granting it, and knowing that they were related in the fourth degree of consanguinity, they have in face of the Church contracted marriage together of which they have begotten offspring. But seeing, as the said petition related, that if a divorce were to take place between them, great scandals, dissensions, wars, enmities, murders, and other

possible evils might very probably threaten them and their kinsmen and friends, and be very damaging as it were to the whole kingdom of Scotland, we have on their behalf been humbly besought that we would of our apostolic benignity vouchsafe to absolve them from the sentence of excommunication imposed by the canon [law] which they have incurred by this procedure, and to provide to them the benefit of a ready dispensation thereanent. We, therefore, who cheerfully procure for the faithful of Christ the benefits of salvation and peace, striving as much as we may in the Lord to prevent such scandals, dissensions, wars, enmities, murders and other evils, and to consult the welfare of their souls, yielding to the petitions of the said John and Margaret, do, by apostolic letters, command and commit to you, brother, in whom we repose special confidence, that if it is so, you may absolve the foresaid John and Margaret from the sentence of excommunication according to the forms of the Church, and they, having been separated for such time as shall seem good to you in your discretion, shall be enjoined upon oath not to commit the like again, nor to afford counsel, aid, or favour to any doing the like ; and that if by virtue of these presents you happen to dispense with these things, they, within the space of two years, shall cause to be constructed, or choose from among those already constructed, in your church of Dunblawe, one altar, and of their owne goods endow the same to the value of ten marks of silver of annual and perpetual rent, and with books, furnishings, a house and other things necessary to the service of the said altar ; and this notwithstanding, let them, withiu the above-mentioned term, give in marriage two poor maidens, and dower each of them with the value of five marks of silver ; and if it seem expedient to you that such a dispensation be granted in other things which shall of right have been enjoined, as to which we burden your conscience, you may, by apostolic authority, grant dispensation, that, notwithstanding the impediment which arose from the said consanguinity, they may be free to contract marriage, and after it shall have been contracted, to abide lawfully therein decerning the offspring conceived and to be conceived of the said marriage to be legitimate. But we will that the foresaid altar and benefice may be conferred only on a priest who ought to be present iu the said church during divine service and in canonical hours, and celebrate divine service on the said altar, of which altar or benefice the right of patronage ought to belong in perpetuity to the said

noble persons and their heirs, but the visitation [thereof] to you and your successors, who shall be for the time Bishops of Dunblane. Given at Avignon, the 29th of April, in the eighth year of our pontificate, 1360.¹

John Drummond did not long survive his marriage with the Countess of Menteith. He died probably in 1360, as is evident from Lady Margaret's being married again in 1361. Notice is taken in the dispensation of a child which the Countess had borne to John Drummond, but it has not been ascertained whether it survived or died young. Provision, however, was made for it in the charter which, as before stated, was confirmed by King David on 12th November 1362. That charter has no date, but in it Lady Margaret, there designed Margaret of Moray, Countess of Menteith, makes a grant of the lands of Aberfoyle to John Drummond of Concraig, and to the children begotten between him and her, and to the heirs of the children.

The fourth and last marriage of Lady Margaret Graham, Countess of Menteith, took place in the year 1361 with Robert Stewart, third son by Elizabeth Mure of Robert Stewart, Earl of Strathern, afterwards King Robert the Second of Scotland. The marriage was arranged between Lady Mary, Countess of Menteith, the mother of the bride, and the parents of Robert Stewart, and formed the subject of a contract between them. The Countess Margaret and Robert Stewart, however, were hindered from the immediate accomplishment of this project by ties of blood relationship, and once more the case of Lady Margaret was laid before the Pope by a petition, in which he was besought, for the furtherance of the welfare of the kingdom of Scotland, and especially for the weal of the earldoms of Strathern and Menteith, as well the clergy as the laity thereof, to grant dispensation for the marriage. The Pope gave the required permission on condition that Robert Stewart and the Countess of Menteith should found a chapel in the

¹ Theiner's *Vetera Monumenta*, p. 315, No. DCXL.

city or diocese of Dunblane, and endow it with an annual rent of twelve marks.

In the case of this marriage the relationships were complicated by the Countess's former marriages, for in addition to the parties themselves being related in the fourth degree, Robert Stewart was said to be connected with Sir John Moray and Thomas, Earl of Mar, the first and second husbands of the Countess. To the former he was related on both sides, by both father and mother, and the connection establishes more firmly the identity of Sir John Moray of Bothwell as the husband of the Countess. Robert Stewart's father, the Earl of Strathern, was the son of Walter, High Steward of Scotland, and Lady Marjory Bruce, daughter of King Robert the First. Sir Andrew Moray of Bothwell, the father of Sir John, married Lady Christian Bruce, the sister of King Robert. Sir John Moray of Bothwell and Lady Marjory Bruce, the grandmother of Robert Stewart, were therefore cousins. What relationship Elizabeth Mure, the mother of Robert Stewart, bore to Sir John Moray is not known, but that a connection existed is evident from the terms of the dispensation. The Mures of Rowallan were an Ayrshire family.

To Thomas, Earl of Mar, Robert Stewart was said to be related in the fourth degree, or on one side only. This probably refers to the marriage of Lady Christian Bruce with Gratney, Earl of Mar, the grandfather of Earl Thomas. He was her first husband; Sir Andrew Moray of Bothwell was her third.

The following is a translation of the dispensation by the Pope:—

Innocent, etc. To our venerable brother, [Walter ?] Bishop of Dunblane, greeting, etc. A petition presented to us on behalf of a beloved son, a noble man, Robert, son of a beloved son, a noble man, Robert, Earl of Strathern, and a beloved daughter in Christ, a noble woman, Margaret, Countess of Menteith, of the diocese of Dunblane, narrated that a treaty was lately made between their parents for securing the common

weal and safety of the whole realm of Scotland, in which the city and diocese of Dunblane are situated, by contracting marriage between the son Robert and the Countess foresaid, but because the son Robert and the Countess foresaid are related in the fourth degree of consanguinity, and moreover, because the said son Robert is related to the late John of Moray in the first degree, and to the late Thomas, Earl of Mar, husbands of the said Countess, in the fourth degree, that is to say, to John on both sides, and Thomas, Earl foresaid, only on one side, he cannot implement such treaty without obtaining an apostolic dispensation thereanent. But seeing that, as the said petition subjoins, unless the treaty be carried out, it might be truly feared that all manner of dangers would threaten the earldoms of Strathern and Menteith of your said diocese, as well the clergy as the people, we have been humbly besought, on behalf of the said Robert the son and the Countess, that we would mercifully vouchsafe to provide the suitable favour of a dispensation for this. We, therefore, who fervently seek the peace and quiet of the faithful in all places, and provide against both evils and dangers as much as we are able in the Lord, yielding to these supplications, commit to, and by these apostolic writs command you, brother, that if it is so, you may by our authority grant a dispensation to the said Robert the son and the Countess, who may, notwithstanding the impediment arising from the foresaid affinity and consanguinity, contract marriage together, and, after it shall have been contracted, abide lawfully therein, declaring the offspring to be conceived of such marriage legitimate: Provided that Robert the son and the Countess foresaid, within one year, to be reckoned from the date of granting the dispensation, shall found and cause to be constructed in the city or diocese of Dunblane one chapel to the honour of God, and decently endow the same with an annual rent of twelve marks of silver for one perpetual chaplain to serve the Lord there. Given at Avignon, the 9th September, in the ninth year of our pontificate (1361).¹

Lady Margaret, Countess of Menteith, was accordingly married to Robert Stewart, who thereafter was styled Lord of Menteith, and on his father's accession to the crown was created Earl of Menteith. When he acquired.

¹ Theiner's *Vetera Monumenta*, p. 317, No. DCXLV.

in 1371, the ancient earldom of Fife, Lady Margaret was still alive, and shared with her husband the honours of the two earldoms, as Countess of Fife and Menteith; and at the same time, by the accession of the Earl of Strathern to the throne, she was the daughter-in-law of the King of Scotland. It was, however, reserved to her successor to share the higher honours of her husband as Duke of Albany, but his honours and estates devolved on Murdach, second Duke, the son of Countess Margaret.

The exact date of the Countess's death is not known, but it appears to have been about the year 1380, as John, Earl of Buchan, the eldest son of Lady Muriella Keith, the second wife of Robert, Earl of Fife and Menteith, had reached man's estate by the year 1406. At the time of her death the Countess Margaret would be about forty-six years of age.

Genealogists generally state that Earl Robert had one son and five daughters by his first wife, Margaret, Countess of Menteith. It is certain that Murdach, who succeeded his father, was her son, and that Lady Janet Stewart, a daughter hitherto overlooked by genealogists, who was contracted in marriage to David of Loen on 20th July 1372,¹ was her daughter; but absolute proof has not been obtained that the Countess Margaret was the mother of all the other five daughters. The names of all the children of Robert, Duke of Albany, will be found at the end of his Memoir.

¹ Vol. ii. of this work, p. 258.

SIR ROBERT STEWART, TENTH EARL OF MENTEITH,
AFTERWARDS EARL OF FIFE, DUKE OF ALBANY.
GOVERNOR OF SCOTLAND, ETC.

1339-1420.

ALTHOUGH it was only for a brief period that the earldom of Menteith gave to Sir Robert Stewart the exclusive designation by which he was at first known among the barons of Scotland, he was, during the greater part of his long life, the owner and lord of that earldom. Its fortunes were therefore bound up with his, and it is proper, on that account, that some notice should be taken of this illustrious nobleman. The higher, and perhaps in the case of the earldom of Fife, more ancient dignities to which Sir Robert Stewart afterwards attained, rather eclipsed his connection with the earldom of Menteith, and he is less known in history as Earl of Menteith than as Earl of Fife and Duke of Albany.

Various other considerations render it highly desirable that the life of this Earl of Menteith should be inquired into with as great minuteness as the annals of the time in which he lived will permit. The high position which he occupied in the Scottish Court, the influence he wielded in the disposal of State affairs as Earl of Fife and Menteith, Duke of Albany, and Governor of Scotland, as well as his near relationship to the four monarchs who reigned during his long life, all tended to make him more of a sovereign than a subject. The story of his life embraces the history of Scotland for nearly eighty years of an eventful period. In his time the dynasty of the Bruces

came to an end, and was replaced by that of the Stewarts, of which he himself was for long the mainstay. A prince and statesman of such prominence could not fail to secure a high place in history, and to have his character variously estimated by historians. Contemporary writers, to whom he was well known, have extolled his character as one of great excellence, while later writers, both of history and romance, have not hesitated to make his vices more than counterbalance his virtues.

The most untoward events in his long administration of the royal authority were the death of his eldest nephew, David, Duke of Rothesay and Prince of Scotland, and the long captivity of his youngest nephew, Prince James, afterwards King James the First. Of the death of Rothesay, both the Duke of Albany and the Earl of Douglas were openly accused, but after full investigation were both acquitted by the King and Parliament.

A conviction that the character of this distinguished prince has been misapprehended in many important particulars, has led to the full, if somewhat protracted, details which form this Memoir. They are given that the reader may judge for himself of the true character of Albany.

Sir Robert Stewart, as formerly stated, was the third son of Robert Stewart, Earl of Strathern, afterwards King Robert the Second, by his wife Elizabeth More, daughter of Sir Adam More, knight, of Rowallan. He has been commonly considered as the second son of the Earl of Strathern, but this is a mistake. The first son was John, who was created Earl of Carrick, and afterwards succeeded his father on the throne of Scotland as King Robert the Third; the second was Walter, who by his marriage with Lady Isabella, styled Countess of Fife, became Lord of Fife, but died about the year 1362, while yet a young man. A charter was granted by David the Second to Robert, High Steward of Scotland, of the lands of Kintyre, with the advocacy of the kirks thereof in fee; and to John Stewart, his son

by Elizabeth More, and failing John, to Walter his second brother.¹ Walter Stewart, Lord of Fife, in the year 1362, received from the Chamberlain, by command of the King, the sum of £6, 13s. 4d.² On account of his early death Walter Stewart had not the same opportunities of distinguishing himself as his brothers, and has thus been overlooked by historians, who have given to Robert the position of second son, while in reality he was the third.

Sir Robert Stewart was born in 1339. His father, who was hereditary High Steward of Scotland, had been appointed sole governor of the realm after the death of Sir Andrew Moray in the previous year, 1338, when the country was again struggling for liberty. Of Sir Robert we find nothing on record before he had reached his twenty-second year, but it is probable that as soon as he was able to bear arms he accompanied his father in some of his excursions against the English.

He married Lady Margaret Graham, styled Countess of Menteith, in the year 1361. The arrangements for the marriage have already been related in the preceding Memoir. After his marriage Sir Robert became Lord of Menteith, and was known by that designation among the barons of Scotland. His position was one of power and influence, and according to the feudal customs of those times, he entered into leagues and bonds, offensive and defensive, with neighbouring barons. One such bond had been made by him with his father the High Steward, as appears from the renunciation by the latter of all such bonds and leagues, when he swore allegiance to King David on 14th May 1363, at Inchmurdach.³ In the year 1364 Robert Stewart of Menteith received £10 from the Chamberlain by gift of the King.⁴ The Lord of Menteith was one of the barons

¹ Robertson's Index, p. 60.

³ Fordun, a Goodall, vol. ii. p. 369.

² Chamberlain Accounts, vol. i. p. 396.

⁴ Chamberlain Accounts, vol. i. p. 411.

elected by the three Estates of the realm to hold a Parliament at Scone on the 27th of September 1367, where the ways and means of paying the remaining portion of the redemption money of King David the Second were discussed. He was also present in the Parliaments held at Scone and Perth in 1368 and 1369.¹

The turbulent spirit of the Highlanders was then, and for long afterwards, a source of great perplexity and annoyance to both King and Parliament. On two occasions, at the Parliaments of June 1368 and March following, the Lord of Menteith was charged by King David in person to stand to his allegiance and further the peace of the realm by maintaining order in the earldom of Menteith, and any other lands of which he was superior. His father the High Steward, and his brother, John, Lord of Kyle, were charged by the King in like manner at the same time, and all promised obedience to his wishes.² The reason for this demand on them was not any disaffection on their part, or on the part of their vassals, but the relationship in which they stood to John, Lord of the Isles, who, with some other Highland chiefs, was in open rebellion against the King, and refused to allow his people to pay their share of the heavy public burdens. The Lord of the Isles was the brother-in-law of the Lord of Menteith, having married his sister, Lady Margaret Stewart, a daughter of the Earl of Strathern; and it was on account of this relationship, as well as the contiguity of the lands of Menteith, Strathern, and Kyle, that the lords of these lands were looked to by the King as having it in their power to pacify or restrain the recalcitrant Lord of the Isles.

In the Parliament of 1368 a case was brought judicially under the notice of the King, in which the opposing parties were the Lord of Menteith and

¹ Acts of the Parliaments of Scotland, vol. i. pp. 501-506.

² *Ibid.* pp. 503, 507.

Sir Archibald Douglas. The Lord of Menteith complained to the King that Sir Archibald Douglas was withholding a terce which was due to his wife from lands held by Sir Archibald, and requested that the King would cause right and justice to be done. Sir Archibald, he said, had promised, in the hearing of his Majesty, when they were lately at Aberdeen, to be present at this Parliament and arrange the matter. The King put the question to Sir Archibald Douglas, who replied that he was willing and prepared to do whatever he was rightfully and reasonably bound to perform, or had promised to his Majesty; but he did not believe that he was under legal obligation to do what was required of him in this Parliament, or that he had promised to do so. Still, he added, if it was his Majesty's pleasure, or if the order and form of law or the custom of the realm required it to be arranged at this time, he was willing to agree, notwithstanding the shortness of the time. The Lord of Menteith reiterated what he had said, that Sir Archibald had obliged himself to settle the question in this Parliament. The issue was that the King, after consulting with those who had been present with him at Aberdeen at the time when the promise was alleged to have been made, decided that Sir Archibald had only promised to be present at this Parliament in connection with this affair, if he was legally required to be present. The King refused to enter further into the case, as it was a question of common law, and the parties were instructed to pursue and defend the cause in other courts, according to the usual forms. This decision was ordered to be recorded.¹ The dispute appears to have been afterwards amicably settled. It is the only instance on record of any disagreement between the Regent and the house of Douglas, who were ever afterwards sworn friends.

Sir Robert Stewart witnessed several charters as Lord of Menteith. Two

¹ Acts of the Parliaments of Scotland, vol. i. p. 505.

of these, granted by his father, are printed, one bearing the date 16th October 1369;¹ the other is undated.²

The death of King David the Second on 22d February 1371, without children, left the throne to his nephew, the High Steward, who was crowned at Scone on the 26th of March following. On the same day on which his father was crowned, Sir Robert appears to have been created EARL OF MENTEITH, as on the day after the coronation, Sir Robert Stewart, Earl of Menteith, was one of the nobles who performed homage and swore fealty to King Robert the Second.³ Sir Robert might have obtained the title earlier but for the late King's jealousy against his father.

Three days after his creation as Earl of Menteith, on the 30th of March 1371, an agreement was made between him and Lady Isabella, styled Countess of Fife, in which the latter recognised the Earl as her true and lawful heir-apparent, by virtue both of the entail made by her father, Sir Duncan, Earl of Fife, in favour of Alan, Earl of Menteith, grandfather of Margaret, Countess of Menteith, the wife of Earl Robert, and of the entail made by Lady Isabella herself and her late husband, Walter Stewart, elder brother of Sir Robert, in his favour. The Countess of Fife had married four husbands in succession, who were all dead, and she had no living child to claim the earldom. In these circumstances influence had been brought to bear on the Countess which compelled her to resign the earldom in favour of other persons than the Earl of Menteith, and she now sought his aid to recover it for her. She promised, on the earldom being restored, to resign it immediately into the hands of the King for a grant to the Earl of Menteith.

Sir Robert Sibbald, in his History of Fife, printed a copy of this indenture, in which he erroneously calls Walter Stewart the son of Robert, Earl of

¹ Vol. ii. of this work, p. 250.

² Acts of the Parliaments of Scotland, vol. i. p. 561.

³ *Ibid.* p. 545.

Menteith, instead of the brother. This inaccurate description of Walter Stewart was adopted by Lord Hailes, when arguing in the Sutherland Peerage Case that titles of honour were descendible to females.¹ The original indenture, however, has now been printed,² and conclusively shows that Lord Hailes had been misled by Sibbald.

Success attended the efforts of the Earl of Menteith. The earldom of Fife was recovered, resigned by the Countess of Fife, and bestowed by King Robert the Second upon the Earl of Menteith, presumably on the conditions agreed to in the indenture. No direct evidence has been obtained to show that these steps were duly and formally attended to, but that they had really taken place is evident from the Earl of Menteith's being present with the King at Scone on the 6th of March 1372, and witnessing a charter under the style and designation of Earl of Fife and Menteith.³ From the date of the making of the indenture with the Countess of Fife up to the 4th of December 1371, when he witnessed at Dundonald, as Earl of Menteith, the confirmation by the King of a gift by John Kennedy of Dunure to the Chapter of Glasgow, of a chapel and three chaplainries in the parish of Maybole,⁴ he frequently witnessed charters by his father at Scone, St. Andrews, and Edinburgh, and invariably as Earl of Menteith only. This shows that the title of Earl of Fife must have been acquired by him subsequent to 4th December 1371, but before the 6th of the following March, after which date he is always designed Earl of Fife and Menteith, the title of Fife having precedence as the older dignity. Under this title, he granted to Sir Robert Stewart of Schanbothy the lands of Gerpot and Cragy, with the third part of the lands of Kulbak, in the barony of Leuchars, in

¹ Sutherland Peerage Case, p. 24, note.

³ Acts of the Parliaments of Scotland, vol. xii. p. 18.

² Vol. ii. of this work, p. 251.

⁴ Registrum Glasguense, p. 289.

Fife, and the charter was confirmed by the King his father, at Perth, on 20th December 1372.¹

Ten or eleven years after the marriage of Sir Robert Stewart and Lady Margaret Graham, the families of Menteith and Moubray were brought into contact for the second time, and on this occasion under more auspicious circumstances than formerly. The first known connection was in the reign of King Robert the Bruce, when Roger of Moubray was forfeited for treason, and his barony of Barnbogle given to Murdach, Earl of Menteith. The barony, however, was surrendered by Sir John Graham and Lady Mary, Earl and Countess of Menteith, to King David the Second, in return for an acquittance for two thousand marks due by them to the Crown in respect of their marriage,² and in 1361 that King restored it to the family of Moubray in the person of Philippa of Moubray and her husband, Sir Bartholomew of Loen.

The history of this lady is somewhat romantic. She appears to have been contracted to one husband, Bertold of Lon, but afterwards to have married a second, Thomas of Weston, while the former was alive. In the year 1343 the question arose as to which of these was her proper husband, and two notarial instruments, drawn up in that year, inform us that the decision was in favour of the claim of Bertold of Lon to that position.

The first of these instruments narrates that on the 30th of October 1343, Mr. John Feure, as procurator for Bertold of Lon and Philippa of Moubray, appeared before a notary and witnesses in the parish church of St. Mary Magdalene, in Milk Street, London, and earnestly inquired at two priests then and there present, namely, John, called of Pont, London, and John of Evesham, if they or either of them were aware of a contract of marriage entered into at any time between the said Bertold and Philippa. John of

¹ Registrum Magni Sigilli, p. 99.

² Page 105, *supra*.

Pont replied expressly that he saw, heard, and was personally present when Bertold, in the house of John of Weston, citizen and draper, Thames Street, London, on Wednesday, the octave after the Feast of St. John the Baptist (1st July) 1338, contracted marriage with Philippa, in these words: "I, Bertold of Lon, take thee, Philippa of Moubray, as my wife for all the time of my life, and to this I plight thee my troth." Philippa also immediately replied to Bertold in these words: "And I, Philippa of Moubray, take thee, Bertold of Lon, as my husband for all the time of my life, and to this I plight thee my troth." John of Evesham testified that the said Philippa, when seriously ill and despairing of life, confessed to him, as having at that time the care of her soul, for the exoneration of her conscience, that she had no right to Thomas of Weston, her pretended husband, because she had first contracted marriage with the said Bertold of Lon; and that at that time he solemnly enjoined the said Philippa, for the safety of her soul, utterly to disown Thomas of Weston, her pretended husband, and cleave to the said Bertold as her lawful husband.

The second notarial instrument relates that on 18th December 1343, at the parish church of All Hallows, in the Roperie, London, letters from the Archdeacon of London were read, instructing the rector of that church to declare the marriage-contract between Thomas of Weston and Philippa of Moubray null and void, and that between Bertold of Lon and the said Philippa valid and lawful, and also to procure the marriage of the two last-named persons in the face of the church, after thirty days from the date of the letters.¹

After their marriage, Sir Bartholomew of Loen and his wife Philippa returned to Scotland, and were received into the favour of King David the Second, from whom, as stated, they received the barony of Barnbougle. A

¹ Vol. ii. of this work, pp. 232-234.

son was born to them, and it was proposed that he should have to wife Janet Stewart, perhaps the eldest daughter of the Earl of Fife and Menteith and his Countess, Lady Margaret, and at this time only eight or nine years of age. Their parents entered into an indenture at Edinburgh, on 21st July 1372, in which it was arranged that David, son and heir to Sir Bertold and Lady Philippa, should marry Janet Stewart, daughter of Sir Robert Stewart, Earl of Fife and Menteith, and Lady Margaret his spouse. Sir Bertold and Lady Philippa were to provide for their honourable maintenance when married, and David and Janet, or the survivor of them, and the children to be lawfully begotten between them were to be their heirs, but failing them, the estate was to revert to the lawful heirs of Lady Philippa. If David should happen to die during the life of his parents, they became bound to provide for Janet a forty pound land, with pertinents, within the barony of Barnbogle, for her maintenance during her life. Moreover, if after the completion of the marriage, both David and his parents died and Janet survived, she was to hold the whole of the barony and possessions of Sir Bertold and Philippa, but on her death these were immediately to revert to the heirs of the foresaid Philippa. The Earl of Fife and Menteith, for his part, promised to assist Sir Bertold with all his counsel and help, and to further the recovery by Sir Bertold of all lands to which, in right of his wife, he could by hereditary right lay claim in any part of Scotland.¹

This last condition was the subject of a special bond of maintenance, made by the Earl of Fife and Menteith to Sir Bertold of Loen, a few years later at Stirling, on 25th November 1375, in which the Earl made the additional promise to maintain him against all men, except the King, his own brothers, the Earl of Douglas and his son Sir James, Sir Archibald Douglas, and his own cause.²

¹ Vol. ii. of this work, p. 258.

² *Ibid.* p. 260.

King Robert the Second had great confidence in the abilities and tact of his son the Earl of Menteith, and frequently employed him in the management of State affairs, even at this early stage of his reign. Along with his elder brother, John, Earl of Carrick, he was deputed to preside at the courts of redress frequently held on the Marches during the fourteen years' truce between Scotland and England.¹ The two brothers are said to have presided on alternate days. These Courts were rendered necessary by the depredations of the Borderers on both sides, which were generally carried on in defiance of all truces.

The custody of the Castle of Stirling was committed by the King to the Earl of Fife and Menteith, by a charter dated 7th February 1373. For its maintenance the Earl was to receive the fourteen chalders of corn and the twelve chalders of oatmeal due from the lands of Bothkennar in Stirlingshire, as well as two hundred marks annually from the Lord Chamberlain. The money was to be raised from the lands, farms, and annual rents belonging to the Crown in the shire, with the wards, reliefs, marriages, fines, and escheats which might happen, all which were made over to the Earl on the express condition that they should be accounted for to the Lord Chamberlain. If the income from these sources exceeded the sum of two hundred marks, the surplus was to be paid to the Treasury; if it proved deficient, the Lord Chamberlain was bound to pay the balance. The office of keeper was made hereditary to the Earl and his lawful heirs-male, and it embraced the power of appointing and dismissing the constable and janitors of the castle.² During his term of office, which continued until his death in 1420, the castle underwent considerable repairs and improvements, and additions were made to the munitions of defence.³

¹ Fordun, a Goodall, vol. ii. p. 383.

² Registrum Magni Sigilli, p. 125.

³ Exchequer Rolls, vol. ii. pp. 437-621; vol. iii. pp. 654-702.

The arrangement about the payment of the two hundred marks does not seem to have been successful, and another was made, probably about the year 1379, by which the fee was paid direct from the Treasury.

On the same day on which he received the custody of Stirling Castle, the Earl of Fife and Menteith entered into an agreement with Sir Robert Erskine, by which the Earl became bound to be a good lord, and a faithful, kind, and affectionate friend to Sir Robert Erskine, his brother, and their heirs. This was solemnly sworn to by the Earl in presence of his father at Perth, and the agreement was sealed with the King's privy seal, and the seals of the Earls of Carrick and Fife and Menteith.¹

Although King Robert the Second had already, by a formal Act of Parliament, secured the succession of his eldest son, John, Earl of Carrick, and his heirs, to the throne, he yet deemed it necessary to guard against the possible failure of his line through the death of the Earl of Carrick or failure of heirs. For this purpose a Grand Council or Parliament was summoned to meet at Scone on the 4th of April 1373. By this Council it was ordained that, failing the King's eldest son and his heirs, the succession should devolve on Sir Robert Stewart, Earl of Fife and Menteith, the second surviving son of the King by his first wife, and his heirs. In the event of his failure, the Crown was to be inherited by the King's other sons. To this ordinance a very formal and solemn assent was given by the whole nobility, clergy, and Parliament, and a great concourse of the clergy and people, after the statute was explained to them, gave their consent in front of the great altar at Scone, by lifting up their hands.²

In June of the same year, the Earl of Fife and Menteith was at Aberdeen with the King, and while there witnessed the royal confirma-

¹ Original in the Charter-chest of the Earl of Mar and Kellie.

² Acts of the Parliaments of Scotland, vol. i. p. 549.

tion of a grant by Walter of Menteith of Petmacaldore to the parish church of St. Devenick of Methlick of a piece of land. The charter is dated the 16th of June 1373.¹

It was a common custom at that time, when the state of affairs between the two countries permitted, for Scottish noblemen to send their servants, or employ merchants to go, into England to purchase malt for them. Application had to be made in the first place to the English Government, who granted the required permission if they saw fit. Such licences were occasionally obtained by the Earl of Fife and Menteith. One from King Edward the Third on 8th August 1375, empowered John Young of Linlithgow, one of the Earl's squires, to go into the county of Lincoln, and purchase there for ready money three hundred quarters of malt, which he was to convey to the Port of Barton-upon-Humber, and ship to Scotland for the maintenance of the Earl and his family.²

Three years later, in April 1378, we find the Earl of Douglas associated with the Earl of Fife and Menteith in a like transaction, and obtaining permission from Richard the Second of England for two of their servants to purchase for them divers pewter vessels, worsteds, chairs, cages, stoups, and leather bottles for their own use in Scotland. The goods were to be shipped from the Port of London.³ And at a later period, in January 1383, one Malcolm Forsyth was commissioned to purchase for the Earl of Fife and Menteith eight hundred quarters of malt, half of which was to be procured in Lincolnshire, and the other half in the counties of Norfolk and Suffolk.⁴

Robert, Earl of Fife and Menteith, obtained from the King a gift of the baronies of Redhall in Midlothian, and Glendochart in Perthshire, by a

¹ Registrum Episcopatus Aberdonensis, vol. i. p. 114.

² Rotuli Scotiæ, vol. i. p. 971.

³ *Ibid.* vol. ii. p. 7.

⁴ *Ibid.* p. 47.

charter dated at Methven, 22d January 1376. These two baronies formerly belonged to Alexander of Menzies, and in the beginning of the year 1374¹ were let by him in liferent to the Earl of Fife and Menteith, with the exception of certain lands; but Alexander of Menzies having resigned both the baronies into the King's hands, they were at this time granted by the latter to his son Earl Robert, and his heirs in fee.² Two months later the King also bestowed on him, by a charter dated at Perth 19th Mareh 1376, the lands of Lethberdschelis, in the constabulary of Linlithgow, which had belonged to Adam of Argent, but which had been resigned by him into the hands of King Robert the Second.³ About this time also, or during the year 1376, Earl Robert executed a deed of exeambion, whereby he gave his castle and all his lands in the barony of Leuchars, in Fifeshire, to Sir William Ramsay of Colluthy, in exchange for the lands of Balnefery, Mundolo, Balnageth, and Tarres, in Inverness-shire. In addition to these lands, Sir William Ramsay agreed to render three suits yearly at the Earl of Fife and Menteith's court at the Mathelaw, and a pair of gilt spurs, if asked, at the feast of the Nativity of John the Baptist.⁴

The Earl also held lands in the earldom of Lennox. This appears from a charter granted by him to Sir Patriek of Graham, of a half carucate of the land of Achynrosse, in that earldom. The charter was confirmed by King Robert the Second at Perth, on the 13th of June 1377.⁵

During the next five years the Earl of Fife and Menteith accompanied his father the King in his royal progresses through different parts of the country. One eireuit was accomplished by the middle of the year 1378, when we find the Court at Dundee, Kindrocht, Dunkeld, Stirling, and

¹ *Registrum Magni Sigilli*, p. 101.

² *Ibid.* p. 128.

³ *Ibid.* p. 130.

⁴ *History of the Carnegies Earls of Southesk*, by William Fraser, vol. ii. p. 490.

⁵ *Registrum Magni Sigilli*, p. 154.

Edinburgh successively, and a return made to Perth by way of Dunfermline. At other times Inverness and Aberdeen were visited, with several of the intervening towns. In the course of these royal progresses charters were granted and confirmed, and the Earl of Fife and Menteith frequently appears as a witness. In the month of October 1380 the Earl of Fife and Menteith was, along with the poet Sir John Barbour, Archdeacon of Aberdeen, and others, at Kintore, the manor of Sir William of Keith, the Marischal of Scotland.

The office of High Chamberlain of Scotland having become vacant through the death of Sir John Lyon of Glamis, who was slain by Sir James Lindsay, Lord of Crawford, on 4th November 1382,¹ King Robert the Second bestowed it on his son, the Earl of Fife and Menteith. Sir John Lyon had been a favourite of King Robert, who, by a charter dated 18th March 1372, bestowed upon him the Thanage of Glamis.² This gift was confirmed by a charter granted at Edinburgh, on 7th January 1373-4, by John, Earl of Carrick, Robert, Earl of Fife and Menteith, and Alexander, Lord of Badenoch, in which they narrate their father's gift, and promise for themselves and their heirs never to revoke it, to whatever state or even regal dignity any of them might attain, but that they would rather renew the gift as often as there should be necessity, or the said John should require them.³

After receiving the honour of knighthood, Sir John Lyon became a member of the royal family through his marriage with the Lady Jean Stewart, daughter of King Robert the Second. Lady Jean or Johanna was the widow of Sir John Keith, eldest son of Sir William Keith, marischal of Scotland, a fact hitherto unrecognised by genealogists. He died about the year 1374, leaving her with one son, Robert, who died young. A few years later she formed a private matrimonial alliance with Sir John Lyon. Their

¹ Exchequer Rolls, vol. iii. p. 657.

² Registrum Magni Sigilli, p. 90.

³ Original Charter at Glamis Castle.

marriage was afterwards acknowledged by King Robert, with consent of his sons, the Earls of Carrick, Fife and Menteith, and Alexander, Lord of Badenoch, as appears from a letter under the Great Seal, given at Dundonald on 10th May 1378.¹ In that letter, the King, after narrating the marriage of John Lyon and Johanna of Keith, declares that he retains no displeasure against either, and being expressly desirous that no blame may be imputed to them, he forbids any one to bring any accusation, judicial or otherwise, against them, or in any way to impeach their good fame, under pain of forfeiture. In the same year Sir John Lyon was made Chamberlain of Scotland, and held it until his death, as stated above.

The Earl of Fife and Menteith held the office for upwards of twenty years, until, in 1408, he devolved it upon John, Earl of Buchan, his eldest son by his second Countess. No one dignified this office more than did the Earl of Fife and Menteith, for, notwithstanding the high honours which from time to time were conferred upon him, he retained the post and faithfully performed its duties. In 1389 he obtained the assistance of two deputies, Patrick of Lumley, who was appointed Chamberlain-Depute south of the Forth, and Sir Walter of Tulach, Chamberlain-Depute north of the Forth. After the death of the former, Sir Adam and Sir John Forster successively held the office of depute, and when Sir Walter of Tulach died, no less a personage than David, Earl of Crawford, was appointed as his successor.² As Chamberlain of Scotland, the Earl of Fife and Menteith received a mandate from the King, dated at Edinburgh, 6th January 1383, to pay annually to his half-brother, John, Earl of Moray, the sum of £100 sterling, from the great customs of the burghs of Elgin and Forres.³ The fee for the office of Chamberlain during the Earl's tenure was £200 yearly.

¹ Original at Glamis Castle.

² Exchequer Rolls, vol. iii. p. liv.

³ Registrum Magni Sigilli, p. 172.

About this time the Earl's first wife, Lady Margaret Graham, must have died. He married, as his second wife, Muriella, daughter of Sir William Keith, Marischal of Scotland, whose eldest son, as we have seen, had reached maturity in or before the year 1408.

As Earl of Fife, Earl Robert relaxed somewhat the ancient privilege peculiar to that earldom, known as the law of the Clan Macduff, by which any one who had slain a man suddenly, was entitled, on payment of a fine of cattle, to a complete remission, if he could prove that he was related within the ninth degree to the original Thane Macduff. Such a privilege, it is to be feared, was too commonly taken advantage of for the satisfaction of private or personal revenge; and when King Robert the Second, in the month of November 1384, passed an ordinance for the better regulation of the northern parts of Scotland, the Earl of Fife voluntarily came under obligation personally to observe this law, and to see that it was respected by all within his bounds. He, however, protested for the free use of his right, though he promised not to exercise it in prejudice of the ordinance which had been issued.¹

At a Council held at Glasgow in the month of September 1384,² the Earl of Fife and Menteith was present. In the month of February following he formed a member of the Court at Arnele, and witnessed the confirmation there by his father, on the 28th, of a charter by Sir William Keith, Marischal of Scotland, to a chaplain in the choir of the Cathedral Church of Aberdeen.³ At Stirling, on the 20th March 1385, the Earl of Fife and Menteith granted to Sir William Stewart, for homage and service, the lands of Great and Little Jargarw, in the barony of Logierait in Perthshire, which lands had formerly belonged to Lady Margaret Stewart, daughter and heiress of the late Thomas

¹ Acts of the Parliaments of Scotland, vol. i. p. 551.

² *Ibid.* p. 565.

³ Registrum Aberdonense, vol. i. p. 129.

Stewart, Earl of Angus, but had been resigned by her into the hands of the Earl of Fife and Menteith.¹

A dispute having arisen between the Earl of Fife and Menteith and John of Logy, in which the latter called in question the right of the Earl to the possession of the lands of Logy and Stragartney, the matter was referred to the arbitration of Andrew Mereer, Lord of Meikleour. These lands had belonged to Sir John Logy, who was executed for taking part in the conspiracy of William of Soulis against King Robert the Bruce, while his estates were forfeited to the Crown. The lands of Logy seem to have been given to the Earl of Douglas,² while those of Stragartney were bestowed on Sir John of Menteith and Elene of Mar his spouse.³ Notwithstanding the possession of Stragartney by Sir John of Menteith, David the Second issued a precept for infesting John of Logy, the son of the late Sir John Logy, in these lands;⁴ but afterwards, on being informed by his Council of the reasons for Sir John Logy's forfeiture, he recalled the infestment, and restored Stragartney to Sir John of Menteith.⁵ Not long after the King's marriage to Margaret of Logy, John of Logy received from him the lands of Logy by a new grant. How they, with the lands of Stragartney, came to be in the possession of Sir Robert Stewart, does not appear, but that they were, is evident from the indenture of arbitration drawn up at the instance of Andrew Mercer.⁶ The Lord of Meikleour, after hearing the parties, adjudged that the lands belonged to John of Logy, and the Earl, having agreed to abide by the decision of the arbiter, at once transferred the lands to him with due formalities. The agreement and decision were made known to King

¹ Original in the Douglas Charter-chest.

² Robertson's Index, p. 31.

³ Vol. ii. of this work, p. 238.

⁴ The Red Book of Grandtully, by William Fraser, vol. i. p. 127.

⁵ Vol. ii. of this work, p. 238.

⁶ *Ibid.* p. 260.

Robert the Second, and affirmed in presence of the Court by the Earl of Fife and Menteith and John of Logy. The resignation by the former in favour of the latter was made within the Castle of Edinburgh, on Whitsunday 1387, and was attested by John, Earl of Carrick, in a letter dated 5th May 1389.¹ The King afterwards confirmed the lands of Logy to John of Logy; and when the men of Stragartney were inclined to demur to the claims made upon them by their new lord, the Earl of Fife and Menteith wrote to them, that although he had formerly prohibited them from obeying John of Logy, their lord, before the latter had made good his claims to the lands, they should now serve him as their lawful lord.² This arrangement between the Earl of Fife and Menteith and John of Logy was sacredly kept by both parties. It is interesting to note that John of Logy was Chamberlain to the Duke of Rothesay while he was Earl of Carrick.³

In the year 1385, Scotland was visited by a French army under the command of John de Vienne, Admiral of France, who brought with him fifty thousand francs in gold, and a large number of suits of armour. These were sent over by the King of France, who wished to carry on his war with England by attacking it from the Scottish borders, and hoped to be assisted by the Scots. With some reluctance King Robert the Second agreed to the proposals made by the French admiral, and the Scottish army, under the command of the Earl of Fife and Menteith, accompanied the French to the Borders. When they had laid siege to Roxburgh Castle, a question arose whether in the event of its capture the castle should belong to the French King or to the Scots. The latter would by no means entertain the claim put forward by the French, that the castle should belong to their king, and the siege was therefore abandoned. Meanwhile the English

¹ Antiquities of Aberdeenshire, vol. iii. p. 133, footnote.

² Vol. ii. of this work, p. 265.

³ Exchequer Rolls, vol. iii. pp. 325-353.

King, apprised of what was taking place, had reached the Borders at the head of a large and well-disciplined army, to which the French troops would have given battle had they not been restrained by their allies. The Scottish leaders knew they could not risk the contest, and prudently retired into their own country, leaving Richard to follow, which he did, devastating the country as he passed, and penetrating to Edinburgh, reduced it to ashes. The Earl of Fife and Menteith, on the other hand, led the Scottish army into Cumberland, and retaliated by laying waste part of that district; and as the English retreated, the allied Scottish and French army returned to the capital. The expedition had been an unfavourable one for the French troops, and on their return, aided by the Scots, with whom they were in no favour, they re-embarked for their own land, disgusted and in worse plight than when they came. But before John de Vienne was permitted to depart he had to distribute the fifty thousand francs which were brought to Scotland, of which the King received 10,000, the Earl of Carrick 5500, the Earl of Fife and Menteith 3000, the Earl of Douglas 7500, and other nobles various sums.¹

After the withdrawal of the French the Earl of Menteith assembled an army of about thirty thousand men, and accompanied by James, Earl of Douglas, Sir Archibald Douglas, Lord of Galloway, and other nobles, made a descent upon a part of Cumberland which had escaped invasion since the time of King Robert the Bruce. Unopposed in their progress, the Scots penetrated to Cockermouth, where amongst the plunder, the collection of which is said to have occupied three days, was found a very ancient charter, to which was affixed a large wax seal. The peculiarity of this charter was its brevity, its entire contents, as translated by Bower, being—

¹ Rymer's *Fœdera*, vol. vii. p. 485.

“I, King Adelstane, giffys here to Paulan, Oddam and Roddam, als gude and als fair as evir thai myn war: and tharto witnes Mald my wyf.”¹

The brevity of this charter must have favourably impressed the Earl, for the historian adds that afterwards, when he became Duke of Albany and Governor of Scotland, and prolix obligations or charters were read by those pleading before him in Court, he was wont to say that greater confidence and trust were preserved in former days, when writs were made so compendious, than now, when, by lengthy documents, our new lawyers confused their deeds by frivolous exceptions and tedious ambiguities.²

The success of this expedition was complete, and a meed of praise is bestowed on the Scottish leader by the poet Wyntoun, who says that the Scots were well and wisely led:—

The Erle of Fyfe welle prysyd wes
Of governyng and gret besynes,
And als of gud cumpany,
Swá that the yhowng cheŵalry
Of that rowte mare wilful ware
To ryde wyth hym, than thai war are.³

For a short time after this there was no engagement with the English which called for the skill of the Earl, and he is found present at the Court of his father in various places in Scotland, at Methven, Glasgow, Linlithgow, Kilwinning, Scone, and Edinburgh. At the last-named town, on 12th May 1388, as Chamberlain of Scotland, he granted a charter to the Abbey of Holyrood, confirming a charter by David the First, founder of the Abbey, by which it had exemption from all tolls and customs throughout the whole kingdom,⁴ a privilege which was taken advantage of by the monks of Melrose.

¹ Fordun, a Goodall, vol. ii. p. 403.

³ Wyntoun's Cronykil, Macpherson's ed. vol. ii. p. 332.

² *Ibid.*

⁴ Charters of Holyrood, p. 100.

In the summer of the year 1388, another invasion of England was determined on by the Scots, who assembled in strong force near Jedburgh, under the command of the Earl of Fife and Menteith. While the Scottish leaders were consulting as to the course to be pursued, an English spy was taken, and influenced by information obtained from him, the Earl divided his army into two unequal portions. The smaller part was commanded by the young and valiant James, second Earl of Douglas and Mar, whose instructions were to create a diversion in favour of the larger army led by the Earl of Fife and Menteith. This was rendered necessary by the fact that the English army lay at a distance, waiting to see what direction the Scottish army intended to take. The plan was entirely successful; the Earl of Douglas, with his small force, so completely engaged the attention of the English leaders, that the larger body of troops, under the command of the Earl of Fife and Menteith, entered England by Carlisle unobserved by the English army, and after committing great havoc, returned to Scotland without encountering any opposition. The chief interest of this incursion, however, lay in the daring exploits of Douglas in the east of England and in face of the large English army. His untimely death on the field of Otterburn spread a deep gloom over the victorious army on its homeward journey, even though they brought with them Percy himself as a prisoner.

One of the castles of this renowned Earl of Douglas was Tantallon, in the barony of North Berwick, which he held for homage and service from the Earl of Fife and Menteith. The superiority of the lands of North Berwick and the Castle of Tantallon belonged to Earl Robert, and on the death of Douglas, as his vassal, he ought to have gone personally to receive or recognise the tenantry and castle. Public business, however, was pressing, and in a Parliament held at Linlithgow, on the 18th August 1388, the Earl of Fife and Menteith sought advice and direction from the King and

Parliament. His tenant, he said, in the barony and castle of North Berwick had died, and if he should require to go personally to receive or recognise this tenantry with the castle, while the defence of the realm, at present disquieted with war, required his care and attention, omission of which would be hazardous to the State, the journey would be a grievous labour to himself, and unprofitable and expensive both to him and the country. After consultation, the Parliament issued a special decree that he should and ought lawfully to enjoy and use the barony, entry or exit, with its fortalice or castle as a tenantry held of him, until the true heirs of James Earl of Douglas should have made out their right and title to them in due form of law. It was also ordained by the Parliament that the King should issue letters commanding the free tenants and inhabitants of North Berwick, together with the Keeper and Constable of the Castle of Tantallon, to answer to the Earl of Fife and Menteith, as their Lord Superior in the meantime.¹ In accordance with this resolution of Parliament, King Robert the Second, on the same 18th August, wrote to the free tenants of the barony of North Berwick, and the Keeper and Constable of the Castle of Tantallon, to obey the Earl of Fife and Menteith, and to deliver up the castle into the Earl's hands.² When, however, the Earl, in the close of this year, became Guardian of Scotland, special care was taken that the claims of the heirs of James Earl of Douglas should be duly respected, if made; and as they would then require to be preferred before the Guardian's own Court, a special Act of Parliament was enacted, by which the King should be able to interpose his authority on any undue impediment being thrown in their way.³

The name of the Constable of Tantallon Castle at that time was Alan of Lauder, as appears in a commission or order made under the King's Privy Seal, and dated 7th January 1389, in which he is enjoined to make the castle

¹ Acts of the Parliaments of Scotland, vol. i. p. 555.

² *Ibid.* p. 565.

³ *Ibid.* p. 556.

free to the Earl.¹ Earl Robert seems at this time to have paid a visit to the fortress, and found that it was the temporary dwelling-place of Lady Margaret Stewart, Countess of Mar and Angus. The Earl of Fife and Menteith treated this lady kindly, and evinced his love and friendship for her family; for by a formal deed, dated at Tantallon the 20th January 1389, he gave her liberty to remain in the castle as long as she chose, while it remained in his hands, to enjoy all her former privileges unrestrained, and to remove with her family and servants when she chose. He promised that she should not be disturbed by him, or any one through him, and obliged himself by oath to maintain her, her men, her lands, and all her possessions, against any that would wrong them, in as tender a manner as if they were his own property.²

King Robert the Second, by reason of his advanced age, becoming unequal to the weighty duties of the government, and his eldest son, John, Earl of Carrick, being incapacitated by infirmity from relieving him of them, the hopes of the Parliament and people of Scotland turned to the Earl of Fife and Menteith, whose abilities and services had already commanded their respect. In a council held at Edinburgh on the 1st December 1388, the King personally submitted the case to the three Estates, as having already been considered and agreed to by his General Council. They, after much consultation, also consented that the Earl should be made Guardian of the kingdom under the King, his eldest son, John, Earl of Carrick, and the eldest son and heir of the latter, yet with the authority of the King, for the administration of justice and conservation of the laws within the realm, and its defence against all enemies. The King thereupon admitted him to the office of Guardian, and instructed the Chancellor to prepare his commission, which should continue

¹ Historical Manuscripts Commissioners' Report, vol. v. p. 611.

² Original in Douglas Charter-chest.

until the recovery of the Earl of Carrick from his weakness, or until the latter's eldest son should be able to assume the government.¹ On the 11th April following, the Earl was granted the sum of one thousand marks annually for the support of the office.² The Earl was also Chamberlain of Scotland, and on that account a clause is added prohibiting him from applying more than the above-mentioned sum for the expenses of this office of Guardian. A precept, which was issued at Ediuburgh on 26th May 1389, commences, "Robert Erle of Fyf and of Meuteth, Wardane and Chambirlayn of Scotlaud." It was addressed to the collectors of the great customs of the Burghs of Edinburgh, Haddington, and Dunbar, and informed them that by virtue of a charter of Kiug David, confirmed by King Robert the Second, the Abbey of Melrose was entitled to import and export goods duty free, and therefore forbids them to ask or receive dues from those belonging to that abbey.³ This precept was duly respected, as a memorandum by the custumars of Linlithgow in their account for the year 1403-4, states that by command of the Duke of Albany fifteen sacks of wool belongiug to Melrose had been passed without the exaction of custom, by reason of the gift of alms to the Abbey.⁴

After his visit to Tantallon, the Earl of Fife and Menteith went to Montrose, where he was on the 26th of January 1389, and attested the confirmation of a charter by Patrick of Graham, Lord of Kincardine, to his son, Patrick of Graham, of the lands of Kinpont and Illieston.⁵

During the year 1389 the Earl led another Scottish army into the north of England. He was provoked by the taunts of the Earl Marshal of England, who, ever since the defeat of the English at Otterburn and

¹ Acts of the Parliaments of Scotland, vol. i. p. 555.

² *Ibid.* p. 557.

³ Liber de Melros, vol. ii. p. 449.

⁴ Exchequer Rolls, vol. iii. p. 593.

⁵ Vol. ii. of this work, p. 265.

capture of Percy, had derided the Scots, and boasted that if they would meet him in a fair field, even though the Scots were twice as numerous as the English, he would fight them. It was nothing uncommon for Border warfare to be waged on such chivalrous terms, but on this occasion the Governor thought the dignity of the kingdom insulted. He therefore assembled a considerable army, and accompanied by Sir Archibald Douglas and other nobles, proceeded across the Borders to meet the Earl Marshal of England. When the armies met, the Earl of Fife and Menteith challenged the Earl Marshal to make good his boasting, but the latter declined to venture a battle, and keeping close in his entrenchments, replied that he was not at liberty to risk the lives of the lieges of the King of England. After waiting for some time without any movement taking place on the part of the English, the Scots returned home, wasting that part of England through which they passed.¹

Subsequent to this invasion, in the same year, the French and English had agreed at Boulogne upon a three years' truce, and both parties consenting to invite the Scots to become a party to it, each sent two Commissioners to King Robert at Dunfermline. They first went to Sir Archibald Douglas to obtain his influence towards the success of their mission, but he replied that he had little or nothing to say in the matter, which really belonged to the King and the Warden. The Commissioners next betook themselves to the Warden, the Earl of Fife and Menteith, who in his turn disclaimed any power to make peace or war, and said that all was in the King's will. On at last coming to the King himself, they succeeded in persuading him to join the Treaty;² and it seems to have been faithfully kept by the three nations. In connection with this visit the following entry occurs in the Chamberlain's Accounts:—

¹ Wyntoun's Cronykil, vol. ii. p. 345.

² *Ibid.* pp. 346-348.

Paid for wine, spices, and cloth bought for the King's expenses at Dunfermline, when the French and English ambassadors came to him, £19, 11s. 10d.¹

Soon after this the King, by a charter dated 12th August 1389, bestowed on the Earl of Fife and Menteith the lands of Coule and Onele,² and by another charter, of the same date, the barony of Strathurde, with the lands of Strabravne, Dysfer, and Twefer, and the loch of Tay, with the island, all in Perthshire.³ All these lands had formed part of the possessions of Isabella, Countess of Fife, but were resigned by her at Dunfermline the same day on which they were granted to the Earl of Fife and Menteith. The Earl afterwards accompanied his father to Dundee and Aberdeen, thence to Perth and Linlithgow; and after visiting Arnelle, where the Earl was with the King for a few days at the end of March 1390,⁴ the King betook himself to his castle of Dundonald in Ayrshire, where he died on the 19th of April 1390.⁵

After the accession of his elder brother, John, Earl of Carrick, to the throne as King Robert the Third, the Earl of Fife and Menteith still continued in the office of Governor, and performed the active part of those duties which should have devolved on the Sovereign.

Indeed, his elder brother, before he became King, as well as his father, seems frequently to have sought advice and assistance from Earl Robert. One such occasion was the marriage of Archibald, afterwards fourth Earl of Douglas, to Margaret, daughter of the Earl of Carrick, when the marriage-contract was drawn up between John, Earl of Carrick, and Robert, Earl of

¹ Exchequer Rolls, vol. iii. p. 699.

⁴ Registrum Magni Sigilli, pp. 177-180.

² Historical Manuscript Commissioners' Report, vol. v. p. 626.

⁵ Fordun, a Goodall, vol. ii. p. 414; Wytoun's Cronykil, vol. ii. p. 349.

³ The Red Book of Grandtully, by William Fraser, vol. i. p. 191.

Fife and Menteith, on the one part, and Archibald, third Earl of Douglas, on the other. Earl Robert seems to have advanced a considerable sum of money to his brother on this occasion, which was not repaid by the year 1394, as in the Lord Chamberlain's Account, rendered on 26th March of that year, a sum of £748 is admitted to be due by the King, the letters of obligation having been granted while he was Earl of Carrick. In this account Earl Robert's receipt is obtained for £523, 0s. 2d., and a former payment of £101, 3s. 6d. is noted as having been made in the year 1392, which left still owing £123, 16s. 4d.¹ In the following year's account the subject again occupies a place in the report by the auditors, who express themselves as not satisfied with the demand made at that time upon the Exchequer for the balance; and while they pay the sum to the Earl of Fife and Menteith, they add the following—

“Memorandum, that while the Earl of Fife has allocation of £123, 16s. 4d., a sum due him by the King by reason of a certain contract of marriage between the said King and the said Earl on the one part, and the Earl of Douglas on the other, yet because it appears to the auditors that the sum now allocated is not due, it has been determined between them respecting the account, that the said Earl of Fife shall exhibit his charter, which he holds from the King, made hereanent, and that when the charter has been inspected and the rolls of accounts, with other evidents, declaration should be made in the hearing of the King; and should it be found that the allocation or payment is not due as before mentioned, he shall be bound to restore that sum to the King, or allow the payment of it as due at the next auditing or accounting between them; which the said Earl promised effectually to do.”²

It does appear, on an examination of the account rendered on 26th March 1394, as if the claim had then been settled, for the Earl of Fife received in supplement of the payment of the sum due to him by the King's

¹ Exchequer Rolls, vol. iii. p. 343.

² *Ibid.* p. 377.

letters of obligation, £98, 9s., and it is added that he took allocation of twenty marks due from the lands of Cragroth, in supplement of the payment of the sum due him by the King, which he holds is fully paid.¹ But the two sums here mentioned do not amount to the balance of the money formerly mentioned as due, and this reference in the same account is therefore probably to an entirely different obligation.

There is also mention made in the account rendered on 7th April 1395 of another obligation, given in the form of letters under the Great Seal, and granted by King Robert the Third when he was Earl of Carrick, on account of which Earl Robert received payment of 204 marks, or £136, and expressed himself satisfied up to next Easter.² This obligation probably has reference to a grant by King Robert to his brother, the Earl of Fife and Menteith, in connection with the lands of the abthanery of Dull, whence the Earl drew annually at Easter the hereditary annuity of 204 marks.³ The Earl seems to have made good his claim to the balance, as nothing further occurs respecting it in subsequent accounts.

For a time the country had rest from war, and the Earl was chiefly engaged with the meetings of Council and Parliament, which were frequently held during the earlier years of King Robert the Third's reign, and at different places throughout the country, where charters were granted or confirmed by the King. He was present at Scone on the 18th of March 1391, and attested a notarial instrument which was prepared on the occasion of a petition by Sir Thomas Erskine to the King.⁴ In this document the King is represented as sitting in full parliament on a hill to the north of the Abbey of Scone, beyond the cemetery, when Sir Thomas Erskine approached, and after informing the King that he had heard that a contract had been

¹ Exchequer Rolls, vol. iii. p. 349.

² *Ibid.* p. 372.

³ *Ibid.* p. 427, etc.

⁴ Acts of the Parliaments of Scotland, vol. i. p. 578.

made between Sir Malcolm Drummond and Sir John Swinton regarding the lands of Mar and Garioch, to which Sir Malcolm's wife was the true and lawful heir, but failing her, Sir Thomas Erskine's wife was the next heir to one-half of the earldom, petitioned that if any such agreement had been made in prejudice of the right of his wife, his Majesty would not confirm it. The King replied that the request was a reasonable one, and would be granted. The complaint of Sir Thomas Erskine and the reply of the King are as follows:—

“My Lorde the kyng, it is done me til vndirstand that thare is a certane contract made bytwene Sir Malcolme of Dromonde and Sir Johne of Swyntone apone the landis of the erledome of Marre and the lordshipe of Garvyanch, of the quibilkes erldome and lordshipe Issabelle, the said Sir Malcolm's wyf, is verray and lauchfulle ayre ; and failliand of the ayrez of hir body, the half of the fornemmyt erldome and lordshipe perteignys to my wyfe of richt of heretage : Tharefore I require yow for Goddis sake, as my lorde and my kyng, as lanchful actornay to my saide wyfe, that in case gif ony sic contract be made in preiudice of my saide wyfe of that at aucht of richt and of lauch perteigne til hir in fee and heritage, failliand of the saide Issabelle as is before saide, that yhe grant na confirmacioun thare apone in hurtyng of the commone lauch of the kyuryk and of my wyvis richt, swa that sic contract, gif ony be, make na preiudice no hurtyng to my fornemmyt wife of that at scho aucht to sncede to as lanchful ayre. To the qwhilk our lorde the kyng answerit, saiand that he had wecl herd and vndirstand his request, and said that hym thoct his request was resounable, and said als that it suld nocht be his will in that case, no in nane othir, oncht to do or to conferme that suld ryn ony man in preindice of thair heritage attour the commone lanch, and namely in oncht at rynyt the said Sir Thomas or his wyfe in sic manere : Apon the qwhilk our lorde the kynges grant the said Sir Thomas, and als apone his saide request, querit me, notare before said, to make hym ane Instrnment.”¹

¹ Acts of the Parliaments of Scotland, vol. i. p. 578.

On the 17th of February 1392, a meeting took place between the Earl of Fife and Menteith and Duncan, Earl of Lennox, at Inchmurrin, the island residence of the latter in Loch Lomond, the result of which was an agreement between the two Earls that Sir Murdoch Stewart, eldest son of the Earl of Fife and Menteith, should marry Lady Isabella, eldest daughter of the Earl of Lennox. It was provided that the earldom of Lennox should be resigned into the King's hands, and a new grant obtained in favour of Earl Duncan and any heirs-male which he might have; failing whom, the earldom was to descend to Sir Murdoch Stewart and Lady Isabella. The marriage took place shortly afterwards.¹ The Earl of Fife and Menteith was justiciar of the shires of Stirling and Dumbarton, and one condition of the contract was that Duncan, Earl of Lennox, should be made substitute and depute to the Earl of Fife and Menteith in the lands comprising the lordship of Lennox, and have a third part of the profits of the justiciary of that lordship.² It must have been in compliance with this article of the agreement that on the 6th March 1401, at Stirling, the Earl of Fife and Menteith granted to Duncan, Earl of Lennox, and his heirs, under the form of entail between him and Murdoch Stewart the Duke's son and heir, the office of crowner (coronator) of the entire earldom of the Lennox, with all the fees and emoluments belonging of right to that office, with power to appoint deputies and servants at pleasure, which office, it is added in the deed of appointment, belonged, with its pertinents, heritably to the Lord or Laird (Dominus) of Drummond.³

King Robert the Third, although a mild and just Prince, lacked the strength of character and martial vigour of both his father and brother. He saw in the independent nobility by which he was surrounded, those

¹ The Lennox, by William Fraser, vol. i. p. 248.

² *Ibid.* vol. ii. p. 44.

³ Cartularium de Levenax, p. 95.

elements of discord which might at any time break loose and threaten the stability of his throne. Owing to lameness caused by a kick from a horse, he was personally incapable of great activity, and perhaps in the hope of securing some support should the hour of need arrive, he bestowed pensions on several of the nobles and knights. His brother, the Earl of Fife and Menteith, was one of these. By a charter, dated 8th February 1393, he was granted the sum of two hundred marks yearly (£133, 6s. 8d. Scots) for homage and service, and for retinue to the eldest son of the King, David Stewart, Earl of Carrick, or in the event of his death, to Sir Robert Stewart, his second son. The money was to be uplifted from the customs of the burghs of Linlithgow and Cupar, and in case of deficiency, the sum was to be completed from the Treasury.¹

During the year 1395 the Earl of Fife and Menteith seems to have been employed in some business at Linlithgow concerning the castle of Calder, which he had undertaken at the King's command and instructions. What the service was we are not informed in the memorandum annexed by the Exchequer Auditors to the Chamberlain's account, rendered on 27th April 1396, which only relates the fact, and minutes that the Earl begged that it might be reduced to writing that he had sought, and that he ought to have, for reasons stated by him, allocation of £30, 1s. 8d. sterling, which he had expended in the above piece of service.²

In that or the following year, Earl Robert negotiated a loan with his brother the King, in virtue of which the Earl obtained the sum of £583, 17s. 7d. In return the Earl granted his letters obligatory, promising to repay the money at certain terms within three years. The letters obligatory, it is added, are to remain with the King in the coffers in his chamber.³

The deplorable state of matters in the northern parts of Scotland called

¹ *Registrum Magni Sigilli*, p. 213.

² *Exchequer Rolls*, vol. iii. p. 404.

³ *Ibid.*

urgently for the interference of the Government, and in 1397 the Earl of Fife and Menteith, along with Prince David, Earl of Carrick, now in his twentieth year, was despatched to compose the differences existing there. The account of William Chalmer and Robert Davidson, customars of Aberdeen in that year, contains a payment of £51, 16s. to the expenses of the Earl of Fife, and of £40 to the Earl of Carrick.¹ The sums of money were not paid to the respective Earls, but to Walter of Tulach, chamberlain-depute north of the Forth, who in his account, rendered on the 2d of May 1398, has the sum of £59, 19s. 6d. allowed for the expenses of the Earl of Fife and Menteith. In a note he added that this sum had not been paid until the King was consulted, and the matter arranged between him and his brother. The Earl had fallen considerably in arrears with his accounts, and was in debt to the Treasury. They were therefore unwilling to pay more to him until the King, Prince David, the Earl himself, and the Privy Council had conferred together and come to an understanding. The auditors reported that the Earl was due no less than £930, 19s. 7d. Two years later the amount of debt was reduced by various ways to £471, 17s. 3d., which the King, with the advice of his Council, taking into consideration the expenses and labours of the Earl (now Duke of Albany), and for other causes, remitted to him, so that matters were now equal between them.²

On the 28th of April 1398, during a meeting of the Parliament at Scone, the King created his son David, then Earl of Carrick and Athole, Duke of Rothesay, and his brother Robert, then Earl of Fife and Menteith, Duke of Albany.³ The title of Rothesay was taken from the ancient royal castle of that name in the island of Bute, and the title of Albany was

¹ Exchequer Rolls, vol. iii. p. 442.

² *Ibid.* pp. 461, 513.

³ Fordun, a Goodall, vol. ii. p. 422.

supposed to be taken from the country between the Forth and the Spey, or Scotland proper.¹

The services which took place at the investiture of the Dukes on the Sunday in the Church of the Monastery of St. Michael at Scone, were conducted with great pomp and ceremony. The King himself invested them with furred mantles and caps, and with the rest of the insignia, suitable and customary for Dukes. Walter Trail, the Bishop of St. Andrews, celebrated mass and preached before the King and Queen.² The proceedings are said to have been prolonged through fifteen days.³ This was the first appearance of the title of Duke in Scotland, and its introduction is said to have been occasioned by a claim of precedency made by the Duke of Lancaster over the Earls of Carriek and Fife and Menteith, at a meeting of Scottish and English commissioners at Haudenstank, on the Borders, near Kelso, in the preceding month.⁴

Pinkerton, in mentioning the creation of the two Dukes, displays his usual animus against Albany. He says that the heir-apparent of the kingdom was created Duke of Rothesay, a miserable hamlet in the Isle of Bute, while the whole island would not have afforded a territorial title to a baron; and the Earl of Fife had the real style of heir-apparent in the title of Duke of Albany, or of all Scotland north of the Firths of Clyde and Forth.⁵

Pinkerton cites the creation of Albany as another proof of his insatiable ambition. But that historian misrepresents the origin of the title of Rothesay, which was taken from a great and historical castle, at that time the favourite residence of the kings, and where Robert the Third both lived and died.

¹ Macpherson says that the ducal title of Albany was totally unconnected with territory, for it is Scotland itself or nothing.— [Geographical Illustrations of Scottish History, 1796.]

² *Registrum Moraviense*, p. 382.

³ *Liber Pluscardensis*, p. 332.

⁴ Rymer's *Fœdera*, vol. viii. p. 35.

⁵ *History of Scotland*, vol. i. p. 52.

The title of Rothesay was thus very appropriate for the heir to the throne, and it has since continued to be one of the titles of the Princes of Scotland. The title of Albany was somewhat sentimental, and did not represent any well-defined territory. If, along with the personal title of Duke, Albany had received the extensive territory indicated by Pinkerton as included in the name, there might have been some ground for charging him with ambition; but there is no evidence that he received in the supposed country of Albany even a single acre along with the title.

The Parliament which met at Perth in the month of January 1399 appointed the Duke of Rothesay as the King's Lieutenant throughout the whole country for three years. For his guidance and assistance a select council was named, having at its head the Duke of Albany. The appointment of a lieutenant was not a supersession of the Duke of Albany in his office of Guardian of Scotland, as he does not appear to have held that office after the year 1392. At all events, the payments of his salary as Guardian ceased in that year.

It cannot be denied that much confusion and crime prevailed at this time in the country, and that some steps were necessary for the preservation of order and the better protection of life and property. But to attribute this state of affairs to the wilful mismanagement of the Duke of Albany, who is said "to have prostituted his office of Governor to his own selfish designs, and purchased the support of the nobles by offering them an immunity for their offences,"¹ is rather an exaggeration of the reasons assigned in Parliament by those who desired the appointment of the Prince. The only mention made of the Duke of Albany is as a wise and loyal councillor. As stated, he was no longer Governor, and the Parliament, in deploring the state of misgovernment in the country, laid the blame heavily upon the King.

¹ Tytler, vol. ii. p. 394.

Whereas, the Act of Parliament says, it is our judgment that the misgovernment of the realm and default in the administration of the common law should be imputed to the King and his officers; and if therefore it is the pleasure of our lord the King to excuse his own failures, it is in his power to summon his officers to whom he has given commission and accuse them before his Council, who on hearing their reply would be ready to judge as to their mismanagement, for no man ought to be condemned before he be called and accused.

Since, the Act proceeds, it is well seen and known that our lord the king, for sickness of his person, cannot travel to govern the realm, or to restrain trespassers and rebels, it appears to the Council most expedient that the Duke of Rothesay be the King's Lieutenant generally through all the country for the space of three years, having full power and commission of the King to govern the land in all things as the King should do in his person if he were present; that is to say, to punish trespassers, to restrain trespasses, and to treat and remit with the conditions after following; that is to say, that he be obliged by his letters, and sworn, to govern his person and the office committed to him with the Parliament, and in their absence, with the Council of wise and loyal men, of whom the names are:—In the first, the Duke of Albany, the Lord of Brechin, the Bishops of Andristoun (St. Andrews), Glasgow, and Aberdeen, the Earls of Douglas, Ross, Moray, and Crawford, the Lord of Dalkeith, Sir Thomas Hay, Constable; Sir William Keith, Marischal; Sir Thomas Erskine, Sir Patrick Graham, Sir John Livingstone, Sir William Stewart, Sir John Ramorgny, Adam Forester, the Abbot of Holyrood, the Archdean of Lothian, and Mr. Walter Forester: the which Parliament and special Council shall be obliged by their letters, and sworn to give him faithful counsel for the common profit, not having an eye to feed any friendship, etc.¹

¹ Acts of the Parliaments of Scotland, vol. i. p. 572.

There is nothing in the Act to show dissatisfaction with the Duke of Albany's discharge of any business intrusted to him, and it can scarcely be doubted that although no longer Guardian, some of the weightiest parts of the government would devolve on him. He was in the full confidence of the Parliament, which placed him at the head of the Council appointed to assist the Duke of Rothesay both at home and in foreign affairs.¹ After the recent elevation of Prince David to the title of Duke of Rothesay, there would be a desire on the part of all to raise him still higher, so that when the Parliament decided that a Lieutenant was needed, it was agreed that the Prince should be appointed, as it were on trial, for a period of three years. There is every probability that the Duke of Albany was as sincere in wishing the Prince's success as any of the nobles; at all events, there is no evidence to warrant the imputation of the base motives of which he is accused in connection with this, and, indeed, almost every matter in which he was engaged.

The Duke of Rothesay had talents for government, and had even before this been employed in the work of the State both on the Borders and in the Highlands. A letter by Rothesay is still preserved in the British Museum, which he had probably sent to King Henry the Fourth of England during that period. It is dated from Melrose, and is interesting as a memento of this ill-fated Prince. A translation of the original, which is in Latin, is here given:—

High and mighty Prince, my most dear and loved cousin, as to the matter of which you and the Bishop of St. Andrews have spoken, I have heard and seen what you have advised in that matter, and will report it to the King, my lord, and, according to what shall seem good to him, will proceed in the advancement of the business, by the help of God, in the manner you have proposed, or otherwise, at the

¹ Acts of the Parliaments of Scotland, vol. i. p. 573.

time contained in your writing, or sooner if it can well be. High and mighty Prince, if there be anything for your pleasure that I can do, courteously please to tell me; and may the Almighty God have you in his most holy keeping. Written at Melrose, the 17th day of March.

DAVID, eldest son of the King of Scotland, Earl of Carrick.¹

That the Prince was brave is not disputed, and there is reason to believe he was to some extent desirous of filling his high post honourably. This is proved by his conduct during the English invasion of the following year, when King Henry the Fourth of England revived the old claim of his predecessors in the English throne to be Lords Paramount of Scotland, and gave instructions to his Border Earls to seduce as many of the Scottish people from their allegiance to their sovereign as possible.² His summons to the Scottish Court to acknowledge him as their overlord being treated with due contempt, he led a large army into Scotland and laid siege to Edinburgh Castle. The castle was then held by the Duke of Rothesay and his brother-in-law, Archibald, Earl of Douglas, who were determined to resist to the last. To assist them the Duke of Albany assembled a considerable army, and proceeded to Calder Moor, where he encamped to await the issue of events. A historian relates that some jealousies or misunderstandings existed between the Dukes of Albany and Rothesay, which prevented the former from approaching nearer to the city.³ But by waiting, a combat was avoided, as the English, running short of provisions, and learning that a rebellion had broken out in Wales, retraced their steps without accomplishing their object. This invasion took place in the month of August 1400.⁴

Whatever coolness there may have been at this period between the uncle

¹ National mss. of Scotland, Part II. No. 51.

³ Fordun, a Goodall, vol. ii. p. 430.

² Rotuli Scotiæ, vol. ii. p. 161.

⁴ Rymer's Fœdera, vol. viii. p. 158.

and nephew, a few months later they seem to have both been present at a Parliament held at Scone on 21st February 1401,¹ when various measures were passed tending to benefit the realm. Weak as the government of Scotland during the reign of King Robert the Third certainly was, it is interesting to note almost the first attempts at a legislation tending to render property more secure, and to check the grasping violence of the feudal barons, who often took advantage of their power to resume lands illegally from their vassals. This abuse, which interrupted both the agricultural and commercial improvement of the country, it was striven to redress by strict legislation in regard to briefs of inquests for services of heirs, and by special regulations as to the legal relations between a vassal and his overlord. The question of succession to younger brothers was also settled. The King's lieutenants and other judges were specially commanded to hear and do speedy justice on the complaints of churchmen, widows, orphans, and pupils or minors, a class of persons who were peculiarly liable to suffer from the strong hand. Other enactments of a similar character were made, and whatever share either of the two royal Dukes had in promoting these beneficial measures, there can be no doubt they could not have been passed without the consent of the Duke of Albany, himself the lord of two earldoms, and the head of the Council of State.

The tenor of these Acts passed during his lieutenancy seems to throw a darker shade upon the conduct of the Duke of Rothesay, who, whatever his talents for government may have been, abused to an alarming extent the too absolute powers placed in his hands. He forced the provincial customs officers to supply him with money, and when they refused, he took it from them by force, in one case seizing and detaining the person of the officer until he paid the sum demanded. His private conduct was scandalous, and ultimately proved dangerous to the State. Although engaged to be married

¹ Acts of the Parliaments of Scotland, vol. i. pp. 575, 576.

to the daughter of George Dunbar, Earl of March, he slighted her, and for the sake of a larger dowry married Marjory Douglas, the daughter of Archibald, third Earl of Douglas, which gave great offence to the Earl of March, and was the occasion of war with England, whither that Earl, after casting off his allegiance to King Robert the Third, betook himself. Before leaving his castle, the Earl of March wrote the following letter to King Henry the Fourth of England. It shows the depth of resentment to which Rothesay's act gave rise:—

Excellent, mychty, and noble Prince, likis yhour realte, to wit, that I am gretly wrangit be the Duc of Rothesay, the quhilk spousit my douchter, and now agayn hys oblisying to me, made be hys lettre and his seal and agaynes the law of halikirc, spouses aue other wif, as it ys said, of the quhilk wrangis and defowle to me and my douchter in swilk manere done, I, as ane of yhour poer kyn, gif it likis yhow, requeris yhow of help and suppowell fore swilk honest seruice as I may do efter my power to yhour noble lordship and to yhour lande ; fore tretee of the quhilk matere will yhe dedeyn to charge the Lord the Fournivalle, ore the Erle of Westmerland at yhour likyng, to the Marche with swilk gudely haste as yhow likis, qware that I may haue spekyng with quhilk of thaim that yhe will send, and schew hym clerly myne entent, the quhilk I darre nocht discouer to nane other bot tyll ane of thaim be cause of kyn, and the grete lewtee that I traist in thaim, and as I suppose yhe traist iu thaim, on the tother part : Alsa, noble Priuce, will yhe dedeyn to graunt and to send me yhour sauftconduyt, endurand quhill the fest of the natiuitie of Seint John the Baptist, fore a hundreth knightis and squiers, and seruantz, gudes, hors and hernais, als wele within wallit town as with owt, or in qwat other resonable manere that yhow likis, fore trauaillyng and dwellyng within yhour land gif I hafe myster. And, excellent Prince, syn that I clayme to be of kyn till yhow, and it peraventour nocht knawen on yhour parte, I schew it to yhour lordship be this my lettre that gif Dame Alice the Bowmout was yhour graude dame, dame Mariory Comyne, hyrre full sister, was my graude dame on the tother syde, sa that I am bot of the feirde degre of kyn tyll yhow, the quhilk in alde tyme was callit neire ; and syn I am in swilk degre tyll yhow, I

requere yhow, as be way of tendirness thare of, and fore my seruice in manere as I hafe before writyn, that yhe will vouchesauf tyll help me and suppowell me tyll gete amendes of the wrangis and the defowle that ys done me, sendand tyll me gif yhow likis yhour auswere of this, with all gudely haste : And, noble Prince, mervaille yhe nocht that I write my lettres in Englis, fore that ys mare clere to myne vnderstandyng than Latyne ore Fraunche. Excellent, mychty, and noble Prince, the haly Trinite hafe yhow euermare in keypyng. Writyn at my castell of Dunbarr, the xviii day of Feuerer (1400).

LE COUNT DE LA MARCHE DESCOCE.

Au tresexcellent, trespuissant, et tresnoble Prince le Roy Dengleterre.¹

The King of England granted the safe-conduct craved by the Earl on the 8th of March following, and four days later issued instructions to Ralph, Earl of Westmoreland, and the Abbot of Alnwick, to meet with the Earl of March and negotiate matters,² the result of which was that he was received by the English King, and afterwards served him faithfully for some years against his own countrymen. One result of this secession was the invasion of Scotland above referred to.

Unhappily also for the Prince, the death, in the year 1401, of his mother, Queen Anabella Drummond, who had in some degree checked his licentiousness and folly, loosed the last bond of restraint; and, spurning the warnings of his Council, he plunged anew into the depths of his former courses, whereupon the Council informed the King of his conduct. The term of three years for which the Prince had been appointed had now expired, and the King, in his own helplessness and decrepitude, wrote to his brother the Duke of Albany, as Governor of the kingdom, to arrest the Prince and keep him in custody for a time, until, chastised by the rod of discipline, he should learn to demean himself better.³ Sir William

¹ National mss. of Scotland, Part II. No. 53.

² Rotuli Scotiæ, vol. ii. p. 153.

³ Fordun, a Goodall, vol. ii. p. 431.

Lindsay of Rossie and Sir John Ramorgny, two Councillors of the King's household, were the messengers and bearers of the letter from the King to his brother Albany. Both of these knights were said to have had a grudge against the Prince, the former because the Prince had plighted his troth to his sister Euphemia of Lindsay, but had abandoned her in the same way as he had done the daughter of the Earl of March. Sir John Ramorgny, who was held in high estimation as a councillor both to the King and the Prince, was a bold and eloquent man, learned in the law, and was the King's prolocutor in difficult cases. He was a pensioned retainer of the Duke of Rothesay, and for a time acted as his Chamberlain; even the Queen employed his services, and on two occasions he was intrusted with the conduct of negotiations in France and in England.¹ Yet he, it was said, had first of all suggested to the Duke of Rothesay to lay hands on his uncle Albany, and put him to death when occasion offered. The Prince, to his credit, spurned the diabolical suggestion. Sir John Ramorgny afterwards, it was said, suggested to the Duke of Albany to take the Prince's life, for if he did not, he added, the Duke of Rothesay intended to take his.

These two knights are said to have proposed to the King the course to be taken, and after the King had given instructions to his brother, they counselled the Prince to take possession of the castle of St. Andrews, as the Bishop of that see had lately died, and to hold it for his father until the appointment of a successor. The Prince, acting on their advice, set out with a small retinue for St. Andrews; but while he was on the way, and between the towns of Nydie and Strathtyrum, they arrested him, and conveyed him by force to the castle of St. Andrews. Here he was detained until information had been conveyed to the Duke of Albany, who was

¹ Exchequer Rolls, vol. iii. pp. 445-701.

then with the Council at Culross. The Council were acquainted with what had taken place, and after consultation as to what should be done, the Duke of Albany, together with the Prince's brother-in-law, Archibald, Earl of Douglas, repaired to St. Andrews, and with a party of soldiers conveyed the Prince to Falkland Tower. The Prince during the journey to Falkland was scarcely treated with the honour due to his rank, being set on a baggage-horse, with a rough russet cloak thrown over his shoulders on account of the cold and heavy rain. In Falkland he was placed in an "honourable apartment," and intrusted to the care of John Wright, constable of the castle, and another retainer, John Selkirk. During his confinement there the unfortunate Prince died from dysentery on the 26th March 1402, and was buried in Lindores Abbey. Some said that his death was caused by starvation.

The disease of dysentery, which was the reputed cause of Rothesay's death, became very prevalent towards the end of the regency of Duke Robert, and in the beginning of the regency of his son, Duke Murdach. It was popularly called the "Quhew."¹ Many persons of all ranks were cut off by that fatal malady. Among these were Henry Sinclair, Earl of Orkney, James Douglas, Lord of Dalkeith, and George Dunbar, Earl of March, who was one of the most fortunate warriors of his age.

The Duke of Albany has been ostentatiously charged by certain modern historians with the murder of his nephew, having the Earl of Douglas as an accomplice. But this grave charge is not only not proven, but the case is long since a *res judicata*, having been decided after a formal trial by the highest court in the nation, by whom the accused were openly acquitted.

¹ Fordun, a Goodall, vol. ii. p. 460. Only a year or two before the death of Rothesay an old chronicler records that there was the "ferd mortalyte," meaning the fourth plague or pestilence. [Old Chronicle ms., Reg. 17 D. xx, as quoted by Pinkerton, vol. i. p. 502.]

The death of the Prince is stated in an authoritative document, to be afterwards referred to, as entirely owing to natural causes; while the only historian of the age who notices with any detail the circumstances of his death, states that dysentery was the cause. Nor was this by any means an unlikely cause. All admit the debauchery and excesses of the prince, a course of life which, at his years, could only be expected to have its natural issue in a premature death. The circumstances of his capture, and his exposure to the inclemency of the weather, would tend to foster the germs of such a disease, which no doubt was fatally accelerated by compulsory confinement and its attendant grief to a high-spirited youth. Rothesay's conduct had so scandalised the nation that restraint was a necessity. His guardians, Albany and Douglas, who were so appointed for the public good, were not responsible for its results.

In "The Fair Maid of Perth," Rothesay, his father the King, and his uncle Albany, afforded excellent subjects for the splendid powers of Sir Walter Scott. His portrait of King Robert the Third is drawn with a masterly hand, a fine mixture of reality and romance. In the dialogue between Rothesay and Sir John Ramorgny, who is represented as one of the prince's profligate associates, the novelist thus makes Rothesay describe himself:—

"I think I know your cast of morals, Sir John; you are weary of merry folly,—the churchmen call it vice,—and long for a little serious crime. A murder now, or a massacre, would enhance the flavour of debauch, as the taste of the olive gives zest to wine. But my worst acts are but merry malice; I have no relish for the bloody trade, and abhor to see or hear of its being acted even on the meanest caitiff. Should I ever fill the throne, I suppose, like my father before me, I must drop my own name, and be dubbed Robert in honour of the Bruce—well, an' if it be so—every Scots lad shall have his flagon in one hand, and the other around his lass's neck, and

manhood shall be tried by kisses and bumpers, not by dirks and dourlachs; and they shall write on my grave, 'Here lies Robert, fourth of his name. He won not battles like Robert the First. He rose not from a count to a king like Robert the Second. He founded not churches like Robert the Third, but was contented to live and die king of good fellows!' Of all my two centuries of ancestors, I would only emulate the fame of

'Old King Coull
Who had a brown bowl.'"

Albany has been represented as ambitious, and that to further his own ends he compassed the death of his nephew. If so, it has been left to later historians to discover the fact, as contemporary historians not only do not accuse Albany of the murder of Rothesay, but give him a very flattering character, altogether inconsistent with his having been guilty of such an odious crime. Such a crime, too, is all the more improbable when the Earl of Douglas is accused as an accomplice, whose own advancement and that of his family would have been better secured by the succession of his brother-in-law to the Crown than by his death.

In the time of Rothesay the alliances between the royal house of Stewart and the noble house of Douglas were very close. Rothesay had married Marjory Douglas, daughter of Archibald, third Earl of Douglas; and her brother, Archibald, the fourth Earl, was married to the Princess Margaret, the eldest sister of Rothesay. Rothesay and Douglas were thus doubly brothers-in-law. The Princess Mary, the second sister of Rothesay, was married to George Douglas, first Earl of Angus, cousin of the Earl of Douglas, while the Princess Elizabeth, the youngest sister of Rothesay, was married to James Douglas, Lord of Dalkeith. The three sisters of Rothesay were thus married to the representatives of the three Douglas families of Douglas, Angus, and Dalkeith.

The Earl of Douglas, as well as his cousins of Angus and Dalkeith, had thus every motive to preserve the life of Rothesay, and when the Earl of Douglas was charged along with Albany as the murderer of the Prince, it is not surprising that the charge utterly broke down, and that the accused received an ample exculpation. Indeed, all the romance which novelists, founding upon the fables of Boece, have woven round the untimely death of this ill-fated Prince, vanish before the light furnished by the legal evidence bearing upon the case, as well as the testimony of contemporary historians.

The death of his son was a severe blow to the infirm King, who beheld the hopes he had cherished all shattered, and to a great extent by his own over-indulgence to the Prince. The peculiar circumstances in which the death of Rothesay had occurred stirred the popular mind to a feeling of mournful regret for the sprightly but profligate Prince. Rumours were raised of foul play on the part of the Duke of Albany and Earl of Douglas towards Rothesay. The suspicion got abroad, and probably at the request of the accused it was made the subject of a judicial investigation by the Parliament which met at Edinburgh on the 16th of May 1402 and following days, when Albany and Douglas were declared to have been unjustly suspected. To set the matter finally at rest, the King himself, on the 20th May 1402, caused letters to be prepared under the Great Seal, which embodied the result of the investigation by the Parliament. The letters recited that the Duke of Albany and Earl of Douglas had caused the Duke of Rothesay to be arrested and placed in the castle of St. Andrews, afterwards at Falkland, where he is known to have departed this life by Divine Providence, and not otherwise. The document proceeds to relate that the Duke and Earl compeared before the Parliament, and on being accused before the King and questioned by him, admitted that they had arrested the Duke of Rothesay, and that he had died in their custody.

Their reasons for the arrest, which were said to be concerned with the public welfare, they intimated privately to the King, who did not think fit to make them known in the present circumstances. All things being taken into consideration, and deliberately and gravely discussed by the Parliament, the King openly and publicly declared in Parliament that his brother Robert, and his son-in-law Archibald, were innocent and free of the charge of treason, and from every charge of blame, rancour, or injury which might be imputed to them in connection with this event. The King further declares that whatever indignation or offence he had conceived against them in this matter, he now voluntarily, from his own certain knowledge, and in accordance with the judgment of this Parliament, renounced, and wished it to be considered annihilated for ever; and he ends the declaration by strictly forbidding all his subjects, whatever their state or condition, to detract, by word or deed, from the good fame of the Duke and Earl.¹

After the investigation thus made by the Parliament, and their decision, as well as that of the father of the Prince himself; considering also the facts stated by the historians of the time, that the Prince was taken by command of his father, and only placed in ward at Falkland after the Council had agreed that it should be so; and further, considering the great attachment of the Duke of Albany to his brother King Robert, and the high character which is given to him by his contemporaries, he must be freed from the imputation of causing the death of his nephew the Duke of Rothesay. There is not a shadow of anything like proof to show that he was guilty of such a crime; none of the attendant circumstances can be legitimately construed as pointing to his guilt. Albany did but his duty to his country, his King, and the Prince himself, by putting him

¹ Acts of the Parliaments of Scotland, vol. i. p. 582.

under the restraint which his own father authorised, but was himself too weak to impose, and it is a great injustice to the memory of this famous Regent to affirm that because the Prince died under his roof he was guilty of his murder. No less is it a most unworthy slur against the Scottish nobility to insinuate that though they believed the Duke of Albany guilty, they were afraid to raise their voice against him. This accords ill with the known disposition of the noblemen of that age, who, if they were in some respects rude, had at least something of rough honesty at a time when refined diplomacy had less place. Nor was the Duke of Albany the overbearing tyrant which he is represented to be, for from the Exchequer Rolls we find that the Duke was frequently taken to task by the Exchequer Auditors, and money refused to him by them. Was it likely that the proud nobility could be more easily intimidated than these officers of the Crown, who were probably appointed by Albany himself as Regent? Those who have defamed the memory of the Duke ought at least to have founded on facts which might stand the light of research; but not a single fact has been produced to prove that Albany was guilty of the murder of Rothesay.

The Duke of Albany had taken advantage of a short truce which followed the retreat of the English from Edinburgh to obtain from England renewed supplies of grain and malt. On his behalf two merchants obtained a safe-conduct from the King of England to enable them to purchase an hundred quarters of each of these commodities and convey them to Scotland. At the same time, and bearing the same date as the safe-conduct for the merchants, 11th February 1401, permission was obtained for John of Cornton, chaplain to the Duke of Albany, Henry of Wedale, John Portere, Richard Johnesone, Nicholas of the Hall, and John Levenax, with six servants, to proceed to different parts of England on the business of the Duke

of Albany.¹ Another safe-conduct was granted on the 1st September, the same year, at the special request of the Duke, for six of his retainers, Henry of Wedall, William Ydil, Richard Johanson, John of the Chamber, John Porter, and John of Levenax, and six servants, to procure two sets of armour from London for the Duke's own use, also twelve hogsheads of wine and four hundred quarters of grain.²

Duke Robert was appealed to by the burghers of Perth and Dundee to act as arbiter in a dispute between them as to their rights to purchase the cargoes of ships trading on a venture and entering the Firth of Tay. The burgesses of Perth laid claim to this as an exclusive right, averring that no such ship should discharge her merchandise before reaching the Bridge of Tay. Against this the Dundee burgesses stoutly reclaimed, stating that they had a free haven for all such ships. Both burghs bound themselves to receive the award as final. At the meeting of Council the procurators of both burghs were present, and the burgesses of Dundee were successful in obtaining a decree authorising them to buy any ships on trading ventures that were willing to put in at their port, notwithstanding the claims made by Perth. In the award, which was given in the Friars' Church of Edinburgh, on 19th May 1402, the Duke only designus himself Chamberlain of Scotland. There were with him two bishops, a number of knights, and others to form a Council.³

It would appear, however, that on the expiry of the Duke of Rothesay's period of lieutenancy, the Duke of Albany was again created governor of the realm under his brother the King. He began by taking steps to avenge the inroads which the English, under the leadership of the Percies and the Earl of March, had been making since the departure of the latter from Scotland. Rumours of an intended invasion by the Duke of Albany and Earl of Douglas

¹ *Rotuli Scotiæ*, vol. ii. p. 156.

² *Ibid.* p. 159.

³ *Charters, etc., relating to the Burgh of Dundee*, p. 18.

reached Westminster. The King of England instructed his northern sheriffs to prepare for the fray, by letters dated 23d May 1402.¹ The only conflict that then followed was that at Nesbit Moor on 22d June, where a small body of the Scots, under the command of Sir Patrick Hepburn of Hailes, was vanquished by March and Percy.² To revenge this defeat the Earl of Douglas collected his forces, and requested the counsel and help of the Governor, as he was desirous, if he consented, of invading England. The Duke of Albany approved of the Earl's purpose, and sent along with him his son Murdach, Master of Fife, and the Earls of Angus and Moray. Having mustered an army of about ten thousand men, they entered England and ravaged the country as far as Newcastle-on-Tyne, but on their return were intercepted by Percy, who, counselled by the Earl of March, had delayed his attack till the Scots, laden with booty, had commenced their retreat. On observing the English posted in front of him, the Earl of Douglas drew up his troops in a compact phalanx on an eminence called Homildon Hill, a disposition which proved fatal to the Scots, as it exposed them to the shafts of the English bowmen. Great slaughter was made by the arrows among the troops of Douglas before they could strike a blow in return, and when, maddened by the galling fire, they broke their ranks and rushed forward to meet the enemy, it was at a great disadvantage. They were entirely defeated, many prisoners being taken, among whom was Murdach Stewart, the eldest son of the Duke of Albany. The Earls of Douglas, Moray, and Angus, and a great number of noblemen, were also taken, and on receiving news of the victory, the King of England sent special instructions to the Earl of Northumberland, and the two leaders of the English troops, that none of the prisoners, whatever their rank or station, were to be released on ransom.³

¹ Rymer's *Fœdera*, vol. viii. p. 257.

² Fordun, a Goodall, vol. ii. p. 433.

³ Rymer's *Fœdera*, vol. viii. p. 278.

After his victories at Nesbit Moor and Homildon, Percy proposed to the Earl of March that they should lay waste the whole of the south of Scotland, beginning at the Marches at least as far north as the Firth of Forth, or Scottish Sea as it was then called. On March consenting, their united forces laid siege to the Castle of Cocklaws in Teviotdale, which was commanded by John Greenlaw, its captain. The fortalice sustained the siege bravely, until the captain, seeing no hope of succour, agreed to capitulate, unless relieved by the King or Governor in six weeks. The terms were agreed to, and Percy withdrew from the siege. Meanwhile, John Gledstanes of that Ilk, who was lord of the castle, bore the tidings of the siege and treaty to the King, then at Buchan, who sent him with letters to the Duke of Albany at Falkland, instructing him to call a council and consult what was to be done. The Duke, on hearing the tidings, was amazed, and blamed the stupidity of the captain, but forbade him upon pain of death to implement the treaty. He commanded him to persevere in holding out the castle, in the hope that it would be relieved, and he would soon inform him as to what was finally to be done. As the shortness of the time did not permit the convocation of Parliament, the Governor wrote to the more sagacious prelates and magnates in the neighbourhood to meet with him at Falkland, and advise what was to be done. At the conference all expressed the opinion that the fortress should be given up to the English, as it did not seem worth while imperilling the safety of the kingdom on its account. On hearing this, the Duke, not a little indignant, arose in their midst, and pointing to his page, Patrick of Kinbuck, who was standing at a distance, exclaimed warmly, "I vow to God and St. Fillan that if in life I shall be there on the appointed day, although none but my boy Pate should accompany me."¹

¹ St. Fillan appears to have been the patron saint of Albany. In his Castle of Doune there was a chapel dedicated to that saint, and on the banks of the river Teith, a short

All were astonished at the warmth of the Duke, and with tears of joy replied, "May God confirm this your purpose, and those of us who are soldiers, placing our trust in the Most High, shall not be wanting in this important business." The Governor immediately afterwards assembled an army and proceeded to Cocklaws; but before coming thither, he, among other achievements, took the Castle of Innerwick in East Lothian, and razed it to the ground.

Percy had departed from Cocklaws soon after the making of the treaty with its captain, as his real purpose in raising his forces seems to have been to contest the right of Henry the Fourth of England to the throne. An extensive insurrection had been planned, but some of the conspirators withdrew from the plot, and the English King, having received timely information, met the troops of Percy at Shrewsbury. In the engagement which followed Percy was killed, and the news of his death was intimated to the Duke of Albany on his arrival at Coeklaws. He thereupon invested the fortress with his army, and having intimated the tidings withdrew, and immediately afterwards dismissed it.¹ The army led by the Duke is said to have consisted of fifty thousand horse and almost as many foot soldiers, among whom there seems to have been an impression that there was an understanding between Percy and the Governor. However, the Duke of Albany by this movement prevented any claim which England might afterwards have made for the fulfilment of the treaty made between Percy and the captain of Coeklaws. Soon afterwards a truce was arranged between England and France, and on a suggestion being made that Scotland as the ally of France might be included, the King of England commenced negotia-

way below the Castle of Doune, there was another chapel dedicated to the same saint. They were called the chapels of St. Fillan

within and without the Castle of Doune.

¹ Fordun, a Goodall, vol. ii. pp. 435-438.

tions for peace, with the result that a truce between England and Scotland was also agreed to.¹

When Walter Trail, Bishop of St. Andrews, died, Thomas Stewart, Archdeacon of St. Andrews, a brother of King Robert and the Duke of Albany, was chosen bishop-elect in his place; but before his appointment was confirmed by the Pope, he was prevailed upon by Albany to decline the office. It appears that Walter of Denniston, parson of Kincardine O'Neil, had occupied the Castle of Dumbarton in the year 1399, and still held it in 1402, and would not render it to the King unless he was promised the see of St. Andrews. To avoid anything like civil strife, the Duke of Albany, as remarked, procured his election by prevailing on his brother to resign, so that the parson might obtain it. Walter of Denniston thereupon gave up the castle, and obtained the bishopric, but did not long enjoy it, as he died in the end of the same year.² The castle was afterwards in the hands of the King, who held his Court there in the close of the year 1403.³

The Duke of Albany continued to attend to the duties of his office as the King's lieutenant,⁴ and is generally found at the court of his royal brother, now at Linlithgow, now at Rothesay, at Perth, and other places.

So many were the duties of the Duke at this time that all of them could not be attended to by him in person. Some were deputed to others, and some were left undone. In 1403, when the first year of Albany's lieutenancy since the death of the Duke of Rothesay had expired, there was a deficiency in the exchequer, and the fee for the office had not been paid; whereupon the Duke complained and protested for its payment, both for the past year and for the future, according to the resolution of the King and

¹ Rymer's *Fœdera*, vol. viii. pp. 318, 363.

³ *Antiquities of Aberdeen*, vol. ii. p. 140.

² Wyntoun's *Cronykil*, vol. ii. pp. 389-399.

⁴ *Registrum Aberdonense*, vol. i. p. 209.

Parliament. He explained that for a whole year he had laboured and incurred expenses in the discharge of this office of lieutenant, but as he had not held the Statute Courts, he had not been able to levy any fees. Some of these courts he had assigned to deputies, and at the instance of his Privy Council had delayed others, and there were no other sources of royal income from which he could uplift his fee.¹ The sum of £182, 0s. 6½d. was paid to him in the following year in part payment of his services as the King's lieutenant, but strictly on condition that he should produce at next auditing of Exchequer an account of his fees for holding Statute Courts, and all other fees of his office.² The Duke was also himself frequently engaged in the work of the auditors of the Treasury, and received several payments on that account.³ He also discharged part of the duties pertaining to the office of his son Murdach, who had been created justiciar north of the Forth, but was at that time a prisoner in England. For holding five ayres between the 9th of July 1404 and the 27th March 1406, the Duke of Albany received a payment of £100. In the absence of his son Murdach, the Duke protested for the payment of 400 marks of arrears of pension due to him by the custumars of Aberdeen.⁴

Both the Duke of Albany and the King were naturally desirous for the restoration of Murdach Stewart and the Earl of Douglas, also a prisoner in England, and Sir David Fleming and Sir William Murehead were sent there as commissioners to negotiate for their release, and to arrange a peace between the kingdoms. The King of England met the wishes of King Robert by appointing commissioners on his own side to confer with those of the Scots,⁵ and a truce was entered into, to last until the following Easter,⁶

¹ Exchequer Rolls, vol. iii. p. 589.

² *Ibid.* p. 610.

³ *Ibid.* pp. 644-647.

⁴ Exchequer Rolls, vol. iii. p. 645.

⁵ *Rotuli Scotiæ*, vol. ii. p. 167.

⁶ Rymer's *Fœdera*, vol. viii. p. 363.

but no progress was made towards releasing the prisoners. Another commissioner, Rothesay Herald, King-of-Arms, seems to have been despatched to the English Court some time afterwards with a letter from the Duke of Albany, and to have obtained for Murdach Stewart the privilege of being kept at the Court of King Henry the Fourth, to which arrangement, although it would in due time increase the amount of ransom by the greater expense of residence, the Duke of Albany agreed. Rothesay Herald was again sent to Westminster with another letter from the Duke, who thanks the King of England for his consideration to his son, and refers to the bearer for an explanation why the day appointed for conferring a truce had not been kept. This reference fixes the date of the letter as the year 1404.¹ The original letter in Latin is in the British Museum. The following is a translation :—

MOST EXCELLENT PRINCE,—I believe it is sufficiently known to your Highness how I lately wrote to you by Rothesay Herald, King-of-Arms, that I was most willing that you should keep my son, Murdach Stewart, your kinsman, if it please you, with you in your honourable court, and that I would rather have a conference with yourself upon his release than with any of your subjects. And now I have learned by messengers, that after he came to your honourable presence you caused him to be treated honourably, and with favour, for which I now thank your excellency from my heart, requesting your excellency to continue the same good treatment towards him in future. Moreover, most excellent Prince, your letters last presented to me by the said Rothesay I have received thankfully as was meet, and have fully understood the credence given to him by you, how graciously you replied with regard to the release of my foresaid son, that if I should send any of my people to your royal Majesty concerning the same and other business interesting me, you would, on their arrival, act so kindly and graciously in these matters, that I should have reason to be content. I also return thanks as much as I can to your royal Highness, both for your favourable audience and for the kind conference held with the said Rothesay on different occasions, on my part,

¹ Rymer's *Fœdera*, vol. viii. pp. 345, 348.

about the foresaid matters and others most tenderly touching the state of both kingdoms, as you know, and that you would have him excused if you please, for that he has not yet come to your Majesty as he promised to you, as I am given to understand that by a certain cause he had been prevented, as he can clearly explain to you by word of mouth ; and him I thought fit at present specially to commission to your Majesty upon certain matters touching my said son, and divers other things which have been previously spoken of between you and him, and also to intimate to your Highness how that last day on the Marches, in the month of February last past, assigned for holding a conference between the commissioners of my dread sovereign the King and your commissioners, by reason of an unforeseen accident failed and miscarried, as the said Rothesay by word of mouth can more fully explain to you. To whom, in what he has to say concerning the said matters and others on my part, kindly deign to give audience and firm credence. And if there be anything useful to be done in these parts, be pleased to inform me of the same by the said King-of-Arms or other messengers, and I will willingly perform them to the best of my power. May the Most High be pleased to preserve your royal Majesty for the peace and quiet of your people. Written at our Manor of Falkland, the second day of the month of June (1404).

Your kinsman, if it please you,

ROBERT, DUKE OF ALBANY,

Brother-german of the King of Scotland, and his Lieutenant-General.

To the most excellent and most serene Prince, Lord Henry, by the grace of God,
King of the English.¹

Communications of an epistolary nature seem to have been at that time more frequent between the two kingdoms than the scanty number of manuscripts now preserved would indicate. From the same source we obtain another letter by the Duke of Albany, as the King's lieutenant, on a matter which employed the pens of not only the Duke, but the King himself, the Bishop of St. Andrews, the Earl of Crawford, and David Fleming,² while

¹ National mss. of Scotland, Part II. No. 57.

² *Ibid.* No. 56.

Commissioners were also sent to make verbal explanations. A translation of this letter,¹ which was written in the beginning of the year 1405, is also here given :—

MOST ILLUSTRIOUS PRINCE AND LORD,—May it please your serene Highness to know that in these days last bygone, namely, on the fourteenth day of the month of December, some of your lieges, with an armed barge, attacked, took, and carried off with them a certain ship coming from the parts of Flanders laden with divers goods and effects to the city of St. Andrews, worth and appraised by the common estimation of trustworthy merchants at one thousand pounds of sterlings and upwards, within the bounds of the rivers and territory of my Lord the King, and lauded at the port of Halyeland in your kingdom, with the said goods and ship, contrary to the truce last agreed on and entered into and sworn on both sides by you and my Lord the King ; and since my Lord the King always is and has been in the intention of keeping the said truce unimpaired and undisturbed both by him and his people, he is confident that you ought to do the same in all respects, because by the grace of God, not the smallest offence shall be wrought against the effect of the foresaid truce by my said Lord or his subjects as far as in them lies. I therefore beg and entreat your serene Highness, as earnestly as I can, to be pleased to cause the said ship with its goods to be restored and made good, so that in this matter the honour of your royal Majesty may be preserved unhurt. Upon which my Lord the King also writes to your serene Highness more fully and at length. But, most serene Prince and Lord, for furnishing further and fuller information to you in the premises, there goes to the presence of your serene Highness, Thomas Ra, citizen of St. Andrews, with certain others joined with him, whom deign to receive very graciously on our recommendation, and aid them in the successful and desired recovery of the said goods and ship by your opportune royal favours. May the Most High preserve your royal Majesty through happier times. Written at Stirling, the tenth day of January (1405).

ROBERT, DUKE OF ALBANY, EARL OF FIFE AND OF MENTEITH,
Brother-german of the King of Scotland, and his Lieutenaut-General.

To the most excellent Lord Henry.

¹ National MSS. of Scotland, Part II. No. 55.

Grief for the death of his eldest son had told heavily on the feeble mind of Robert the Third, but his spirit was utterly broken by a disaster which now befell his only surviving son, Prince James, a youth of fourteen years, and an object of much solicitude to him. James had been placed under the care of Henry Wardlaw, Bishop of St. Andrews, a learned and judicious prelate, and had for his companion Henry Percy, son of the Percy slain at Shrewsbury, a lad about the same age as himself. The fears of the King for his son's safety, and his desire to secure for him as perfect an education as possible, led him to send James to the French Court. On his way to France, the Prince, with his guardian and attendants, was taken by an English vessel off Flamborough Head, and conveyed to the King at London, where he was placed in the Tower. The unfortunate Robert received the news of his son's capture while sitting at supper in his castle of Rothesay in Bute, and was so affected with the disaster that he rejected all food, refused to be comforted, and, sinking under his grief, died on the 4th of April 1406.¹

The Earl of Northumberland and his grandson Henry Percy had, after the failure of the conspiracy against King Henry the Fourth of England, betaken themselves for safety to the Castle of St. Andrews, where they, with another English nobleman, Lord Bardolph, were kindly entertained. One historian asserts that the Duke of Albany, in order to procure the release of his son Murdach and the Earl of Douglas, resolved to deliver up the Earl of Northumberland and Lord Bardolph to the King of England, and adds that the base project was only accidentally discovered by Sir David Fleming, who revealed it to the two noblemen, and counselled flight.² Although no authority is given for the assertion, it affords occasion to the historian again to denounce the Duke of Albany's treachery. So prejudiced is this author against Albany, that he charges him with almost every evil

¹ Fordun, a Goodall, vol. ii. p. 439.

² Tytler's History of Scotland, vol. ii. p. 451.

which happened in his time. Even a Lollard could not be taken to the stake but the Duke of Albany is held to have incited the clergy to the cruel deed, although churchmen scarcely required the State to stir them up to this work.¹ Wyntoun's account of how the Earl of Northumberland and Lord Bardolph met their fate is ignored by this historian, for the reason, perhaps, that the share assigned to Albany in the matter does not accord with his own notions of the Duke's character. Wyntoun relates that the old Earl of Northumberland, when he could no longer find safety by remaining in England, sought it by travelling in France, and afterwards in Scotland, where he was honourably received by the Bishop of St. Andrews. On the invitation of Albany, Northumberland and Bardolph removed from St. Andrews to Perth, so that being farther from the sea they might be less liable to the dangers of capture. While they remained in Perth they were kindly treated by the Duke; and when letters came from England, inviting them back to their own country, he strongly advised them not to go, but to remain where they were for some time longer, as he suspected it was a stratagem to entrap them. They, however, resolved to go, as they did not think any Englishman north of York would seek to injure them. Albany put no obstacle in their way. They went, and were put to death by Richard Rukby, one of the vassals of the Earl of Northumberland, who had sent the invitations, and after their death he cut off their heads, and sent them to the King of England.² The account given by Fordun is to the same effect.³

Walsingham, it is true, narrates the story somewhat differently. He says that the Earl of Northumberland and Lord Bardolph, on their flight from England, were received by Sir David Fleming into Berwick, but afterwards escaped from Scotland on being warned by the latter that the

¹ Tytler's *History of Scotland*, vol. iii. pp. 23, 24.

² Wyntoun's *Cronykil*, vol. ii. pp. 410, 411.

³ Fordun, a Goodall, vol. ii. p. 441.

Scots were conspiring to hand them over to King Henry in exchange for certain prisoners, whom he does not name. On this account, he adds, Sir David Fleming was slain by the Scots, and the Scots themselves were provoked to civil war, so that by reason of the weakness caused by this discord they were compelled to seek annual truces from England. One such truce having been agreed to by land, the Scots sent the son and heir of their King by sea to France, etc.¹

But Walsingham's statement may justly be dismissed on account of its inaccuracies. There is no evidence of any civil strife in Scotland following on the death of Sir David Fleming—nothing beyond the single battle in which he met his fate. No truces whatever were made with England on account of such contention. The death of Fleming did not occur until Prince James had set sail for France, as that knight had accompanied him to the ship at North Berwick. The truce under cover of which the Prince was despatched was one very near its term of expiry, and embraced both sea and land, as is evident from the treaty itself,² and the remonstrance made by the Scots immediately after the capture of the Prince against its infraction by sea.³ As to the warning said to have been given to the two English Lords by Sir David Fleming, it is difficult to believe that the Earl of Northumberland fled for his life from the Scottish Court, and yet left his grandson and heir there to be honourably maintained and educated for so many years.

The death of Sir David Fleming is attributed by some modern historians to the malignant resentment of the Duke of Albany against Fleming, for his reputed assistance in the escape of Northumberland and the Prince, although, if that were true in the case of the latter, he unwittingly co-operated in facilitating what one suggests was a concerted plot between Albany

¹ Walsingham, ed. 1574, p. 417.

² Rymer's *Fœdera*, vol. viii. p. 363.

³ *Ibid.* p. 450.

and the English King for the capture of the Prince. Yet Fleming was allied to the Duke of Albany by the marriage of his son Sir Malcolm Fleming and Lady Elizabeth Stewart, Albany's daughter, and was moreover held in the highest repute by both King Robert and the Duke, and employed by them in the most weighty concerns of the State. Proof is needed for the assertion that Albany caused Fleming to be put to death, but none is afforded. Both Wyntoun and Bower record the circumstances of Fleming's death, yet nowhere is the remotest hint given of Albany's connection with it; and the language of the latter historian plainly indicates its cause to have been a private quarrel betwixt Sir Alexander Seton, who afterwards became Lord of Gordon, and Sir David Fleming. After stating the fact of Sir David's convoying the Prince to the Bass, and that there was with him a strong party of the chiefs of the Lothians, he adds that in returning he was pursued by Sir James Douglas, second son of the Earl of Douglas, and overtaken at Langhirdmanstone Moor, where, after a severe battle, he was slain on the 14th of February 1406. Divers nobles and knights were taken, but they were afterwards released. Sir James Douglas was instigated to the deed by Sir Alexander Seton.¹

The Duke of Albany is altogether misrepresented by those writers who present him to posterity as a man of unscrupulous ambition, who rejoiced in the miseries of others when they helped forward his own aims, and was deterred by no crime, if its perpetration could only secure their accomplishment. Had the character of Albany been that given him by popular writers of our own day, he could never have retained the confidence and good-will of the nobility, the churchmen, and the general community of Scotland, as he did for a length of time far exceeding that of any other Governor who swayed the destinies of the country.

¹ Fordun, a Goodall, vol. ii. p. 439.

Shortly after the death of Robert the Third, in the month of June 1406, the Three Estates of the realm met in Parliament, at Perth, and declared Prince James to be their true and lawful King, notwithstanding that he was detained in England an unwilling captive. By an ordinance of this same Parliament, Albany was chosen Governor of the entire kingdom. In that same month he was asked by some Prussian merchants to inquire into a wanton attack by an English war-ship upon two trading vessels which were loading at the port of Blackness, in the Firth of Forth, so far back as the year 1402. After inquiry he issued an instrument drawn up in Latin, of which the following is a translation :—

Robert, Duke of Albany, Earl of Fife and of Menteith, guardian and governor of the kingdom of Scotland, to all to whose knowledge these present letters shall come, greeting in the Lord. The laws claim, and reason persuades, that it is pious and meritorious to bear testimony to the truth, that the way of injury may be thereby shut up to evildoers, and the path of truth shine with due light. Hence it is that we, on the special request made to me by letter by prudent and discreet men, the councillors of the city of Dantzic, and others, merchants of the parts of Prussia, have caused true, faithful, and diligent information to be taken upon oath of trustworthy men, from which information it is manifestly known to us that on the feast of the nativity of St. John the Baptist, in the year of our Lord 1402, a certain English admiral, namely, Lord of le Grey of Godenoy (Codnor), with a ship, equipped with men of arms in great numbers for war, came within the Firth in the kingdom of Scotland as far as the harbour commonly called of Blackness, and there hostilely attacked two ships laden with fine wheat meal and other merchandise, of which the masters were Nicholas Rotermont and Bernard Johnson ; one of these the foresaid Englishmen took the same night, namely, the ship of Rotermont of Bremen, with the sailors and the merchandise then in it, and in the morning burned, near the foresaid harbour, the other ship belonging to the foresaid Bernard, the ship being first emptied by them of all goods and merchandise, and the sailors being either slain or drowned in the sea. The masters of the ships or their men never afforded any aid, assistance,

or defence to the Scots against the English unless by lawfully pursuing their merchandise. And this we make known by the tenor of the present letters to all whom it concerns, or whom this present matter touches, or may touch in future. To which, for the sake of testimony, we have commanded the seal of our office to be appended, at the town of Perth, the 28th day of the month of June, the year of God 1406.¹

Among the first acts of the Governor was the opening of negotiations with Henry the Fourth of England by the despatch of Rothesay, King-of-Arms, as commissioner for the King and kingdom of Scotland, to the English Court, to treat of the infractions of the truce upon the sea,² and no doubt, as Crawford says, with special reference to Prince James's capture, to inquire under what pretence of justice or law he came to be taken in the time of a truce.³ Whatever the result of his mission was, a large and influential embassy, consisting of the Lord Chancellor of Scotland, Gilbert, Bishop of Aberdeen, Robert, Bishop of Dunkeld, Sir David Lindsay Earl of Crawford, Sir Alexander Stewart Earl of Mar, William Graham of Kincardine, and a hundred horsemen, was sent into England in the month of December of the same year,⁴ which, as it surpassed in dignity the embassies usually sent on the subject of a truce, it is natural to suppose must have had some much more weighty trust. That could only be negotiations for the liberation of their King; and so it is stated in the account rendered by the executors of the late Sir David Lindsay, Earl of Crawford, chamberlain-depute, at Perth, on 16th March 1407 :—

For the expenses of the commissioners sent into England on the common business of the realm, about the death of the King, and afterwards for the liberation of the son and heir of our late King, £120.⁵

¹ Enclosure in a communication by English commissioners to Rupert, King of the Romans, in Cottonian Library, British Museum.

² Rymer's *Fœdera*, vol. viii. p. 450.

³ *Officers of State*, p. 303.

⁴ Rymer's *Fœdera*, vol. viii. p. 461.

⁵ *Chamberlain Rolls*, vol. iii. p. 8.

The only result attained, so far as known, by this embassy, was a prolongation of the truce for another year. But the fact of these negotiations taking place proves the falseness of the imputations made against Albany, who, while stigmatised as a usurper of the supreme power, is represented as glorying in the captivity of the Prince, and wickedly refusing to take any steps for his release. On the contrary, the Duke sought the restoration of Prince James, and availed himself of every opportunity that offered for that purpose. This is amply proved by facts.

In the Chamberlain's account rendered at Perth on the 20th May 1409 from the 27th March 1408, there occurs the following entry, which shows that between these two dates negotiations for the Prince's release had been going on :—

By payment made to the Earl of Orkney for his labour in the business of his highness Prince James, son of our King, at present in England, £20.¹

Again, betwixt the 21st July 1410 and the 12th June 1412, another embassy had been in England on the same business. The names of the commissioners were John Stewart, Lord of Lorn, Master Robert of Lany, Provost of St. Andrews, and Sir John of Busby, Canon of Moray, and they are mentioned as having been sent in embassy to the King of England to treat for the liberation of the King and Sir Murdach the Duke's son. For their expenses they received £130.²

These negotiations were frequently interrupted by the outbreak of hostilities, but when, in the early summer of 1412, the King of England agreed to a truce between the two countries, which was to extend to the close of the year 1418,³ Albany at once resumed his efforts for the release of James. On the 16th April 1413, Henry received into his safe-conduct the following persons as commissioners from the Duke of Albany, viz., Walter,

¹ Chamberlain Rolls, vol. iii. p. 27. ² *Ibid.* p. 48. ³ Rymer's *Fœdera*, vol. viii. p. 737.

Bishop of Brechin, William, Lord of Graham, Alexander Ogilvy, Sheriff of Angus, Master Robert of Lany, Licentiate in Decrees, and John of Wemyss, with an escort of thirty persons. To these were added, by separate safe-conducts, William Douglas of Drumlanrig, John of Dunkeld, Gilbert Scott, and John Sinclair, with a following of twenty persons. Their business was to treat concerning the liberation of the King of Scotland (*super deliberatione Regis Scotiæ*).¹ This embassy is proved to have been in communication with the King of England, from the renewed grants of safe-conducts to Sir William Douglas, Lord of Drumlanrig, Alexander Descheles, and John of Welles, who are mentioned as having been lately in the King's presence, treating with him about the King of Scotland.² The following entry in the Chamberlain's account for the year beginning 12th June 1412, and ending 5th July 1413, probably in connection with this same embassy, is interesting:—

And for the expenses of the Lord of Graham and Master Robert of Lany, Provost of St. Andrews, ambassadors of the realm passing into England for the deliverance of the King, by command of the Lord Governor, because that William of Borthwick, junior, had carried off by force more than one hundred nobles from those entrusted with the ordained expenses of the foresaid ambassadors, £50.³

Notwithstanding the unsuccessful efforts of these commissioners to effect the release of the King, the attempt was not given up. Again, in the account of the following year, between the 5th July 1413 and the 27th June 1414, there occur in the same record these two entries:—

To a herald going thrice into England for safe-conducts of ambassadors sent into England to the King, £20.

And to Master Robert of Lany and Sir Robert of Maxwell, sent into England for the deliverance of our Lord the King, £120.⁴

¹ Rymer's *Fœdera*, vol. ix. pp. 5, 6.

³ Chamberlain Rolls, vol. iii. p. 58.

² *Ibid.* p. 79.

⁴ *Ibid.* pp. 66, 67.

The letter appointing these two commissioners to this embassy, and the instructions given to them for their direction in the negotiations, have both been preserved. They are written in Latin, and the following is a translation:—

Robert, Duke of Albany, Earl of Fife and of Menteith, and Governor of the kingdom of Scotland, to all to whose knowledge the present letters shall come, greeting in the Lord. Know your university that we, fully confiding in the fidelity, circumspection, and industry of our beloved and faithful Robert of Maxwell of Caldorewod, knight, our cousin, and Master Robert of Lany, Provost of St. Andrews, Licentiate in Decrees, have made, constituted, and ordained, and by these presents do, alike of our certain knowledge and deliberate counsel, make, constitute, and ordain them, our and the said kingdom's ambassadors, commissioners, and special messengers, giving and granting to them full, free, and general power to appear in the presence of the most serene Prince, Henry, King of England, our adversary, and to treat, agree, and conclude with him, or his commissioners whomsoever having sufficient power from him, respecting the liberation of the illustrious Prince James, son of my late Lord the King, and concerning a general or particular truce, both by land and sea, to be taken and confirmed between us, the foresaid kingdom of Scotland, the lieges, subjects, and confederates of the same, on the one part, and our said adversary, his kingdom, his lieges, subjects, and confederates, on the other, such and to endure for so long a time as to our said commissioners shall seem expedient; and to ask and receive in our name from the said King of England, his oath upon the confirmation and conservation of the present truce between the most excellent prince the Lord King of France and himself, their kingdoms and dominions, subjects and confederates, which was last taken and entered into by their said commissioners of both nations: Which truce, for ourselves and the said kingdom of Scotland, lieges and subjects of the same, we have accepted, and by the tenor of these presents do accept. Also to ask and receive from the said King of England, or his deputies or commissioners, reformation of all and sundry attempts against the form of truce taken and confirmed in times past between the kingdoms of Scotland and England; and generally to do, transact, agree, and conclude

upon all and every other thing which may be necessary or in any way helpful anent the premises, even if they require a more special mandate ; promising that we shall perpetually hold valid, satisfactory, stable, and sure, whatever our said commissioners shall think fit to do in the premises or in any one of them. Given under the testimony of our Great Seal at Falkland, the 22d day of the month of May, the year of our Lord one thousand four hundred and fourteen, and of our government the ninth year.¹

The instructions are as follows :—

These are the articles with which Sir Robert Maxwell of Calderwood and Master Robert of Lany, Provost of St. Andrews, ambassadors and commissioners of an excellent prince, the Lord Duke of Albany, Governor of Scotland, are burdened to propose to the most excellent and potent prince Lord Henry, by the grace of God, most illustrious King of England [27th May, 2d year of Henry the Fifth, *i.e.* 1414].

First, To notify to the Lord King foresaid, that the said Governor, for himself and the kingdom of Scotland, has accepted the truce lately made and entered into by the Commissioners of France and England as confirmed by the Kings, which also for himself and the kingdom of Scotland he is prepared to confirm.

Likewise, to provide, treat, and agree with the foresaid Lord King for the freedom and deliverance of the most serene Prince the Lord King of Scotland, who was taken and arrested on the sea while a youth in time of truce, and has now been detained for many years.

Also, to treat and agree about the redemption of a noble man, Sir Murdach, son of the Governor above mentioned.

Also, to treat and provide respecting a further and longer truce or cessation of warfare for the welfare of both kingdoms, with the Lord's assistance.

Also, to make provision for a remedy for attempts made in times of truce, and how hereafter the truce may and ought to be inviolably observed, and transgressors of both kingdoms punished.

Also, to require the said Lord King that he vouchsafe that the said truce be ratified, if he so please, by oath, as the Governor is prepared to swear when he shall be required hereanent.²

¹ Original in Cottonian Library, British Museum.

² *Ibid.*

Another journey was undertaken by these two ambassadors in the following year for this same purpose, £50 being again allowed for their expenses; and, in addition to them, others seem to have been from time to time engaged in the business. Sir William of Cockburn, one of the custumars of Haddington, was, in 1414, due on his account £67, 10s. 3d., which the Governor, of his favour and by counsel of the auditors, remitted on account of his great labours in England on behalf of King James, and for the defence of the kingdom in the time of war.¹

In fact, no efforts were spared to procure the release of James from the captivity in which he had so unjustly been detained. All the embassies sent by the Duke of Albany to the English Court are not likely to have been recorded, and besides those mentioned, others are chronicled, without statement of their object being made in the documents which relate the facts. But enough have been quoted to show both the sincerity and the activity of the now aged Governor in seeking the restoration of his nephew. These efforts were still unsuccessful, but the want of success is not chargeable to Albany. He had striven for a longer period to procure the return of his own son, in which surely his sincerity will not be questioned, and until now he had been as unsuccessful as in the case of James. Murdach was an important State prisoner, even more so than his fellow-prisoner the Earl of Douglas, whose release had been accomplished sooner; but the King of Scotland was far more important than either or both, in the eyes of the English King—too precious in his present position to be readily restored.

Yet King Henry the Fifth was at last prevailed upon to come to terms. Hostilities had broken out in spite of the six years' truce which had been made, and on their subsidence the English King relented somewhat, and liberated several of the imprisoned Scottish nobility, of whom he had yet a

¹ Exchequer Rolls, vol. iv. pp. 198, 223.

considerable number. At that time another embassy, consisting of John of Hailes, Abbot of Balmerino, Sir John Forrester of Corstorphine, and Walter Ogilvy, with a retinue of forty horsemen, was sent to England with instructions either to procure the release of King James, or if Henry would not consent to that, at least to obtain leave for him to visit Scotland on parole. The safe-conduct for this embassy was granted on 26th April 1416.¹ Henry so far met the wishes of Albany, as expressed by his commissioners, that he appointed Thomas, Bishop of Durham, Henry, Earl of Northumberland, and Ralph, Earl of Westmoreland, to receive hostages and obligations to the extent of 100,000 marks for the return of James.² The commission to these nobles was granted on the 8th December of the same year, and on the same day safe-conducts were also made out for the chief of the Scottish nobility, along with the Bishops of Aberdeen and Glasgow, to come to King James in England.³ But these negotiations also came to no practical result, as the arrangement was never carried out.

No doubt in thus seeking the release of James on parole, the commissioners would refer as a precedent to the former case of King David the Second having been allowed to visit his kingdom on like terms. But the mention of such an event was not likely to facilitate the wished-for liberation, as the English would remember that the ransom of David had never been fully paid, and they had not much reason to expect that in the unimproved condition of Scottish finance they would have more success in the case of James. To the Scots, the prospects of having another such ransom to provide would be anything but pleasant, and it would seem that so long as Albany was spared to manage the affairs of the realm, they were not extremely desirous of incurring such another load of debt. The King was still young, and they probably hoped that something would turn up by

¹ Rymer's *Fœdera*, vol. ix. p. 341.

² *Ibid.* p. 417.

³ *Ibid.* p. 419.

which they might obtain his restoration on easier terms, which, indeed, in a manner quite unexpected, was eventually the case.

The arrangement of 1416 is said by some historians to have originated not with Albany, who is at the same time accused for permitting the young King to remain so long in exile, but with those of the nobility who had returned from England, and were successful in spite of the alleged disloyal inactivity of the Duke.¹ A glance at the real facts is fatal to all such conjectures.

For the sake of connection we have considered this question fully here, at the expense of the due order of the occurrences in the life of the Duke of Albany—to these we now return.

An early act of the Governor's was the renewal of the treaty between Scotland and France, to effect which he sent envoys to the Court of Charles the Sixth, where it was readily ratified in the month of February 1407.²

On the death in 1394, without lawful issue, of his brother, Alexander, Earl of Buchan, popularly known as "the Wolf of Badenoch," the earldom of Buchan was inherited by Albany as his brother's heir; and he, by a charter dated 20th September 1406, granted the earldom to John Stewart, his eldest son by Lady Muriella Keith.³ John thereupon became Lord of Buchan, and was created Earl by his father about 1408. To this son Albany committed his office of Lord Chamberlain of Scotland, by a charter dated 12th March 1407, which allowed him a fee of 300 marks and one deputy,⁴ although it would seem that the Duke himself received yearly up to 1414 the annual fee for that office; if so, it was probably by arrangement with his son the Earl of Buchan.⁵

The King of England seems to have objected to the Duke of Albany being called Governor of Scotland, and to have protested against the title

¹ Tytler, vol. iii. p. 40.

² Acts of the Parliaments of Scotland, vol. xii. p. 21.

³ Sutherland Peerage Case, p. 28.

⁴ Registrum Magni Sigilli, p. 227.

⁵ Chamberlain Rolls, vol. iii. pp. 26, 39, 59, 67.

to the messengers of the Duke when at the English Court, and hence arose the epithet of "Pretended Governor of Scotland," which is found in one or two of the documents relating to negotiations between Scotland and England in the year 1407. Whether Henry the Fourth was moved to this by a feeling of resentment at that epithet having been applied to his own claim to be King of England on his accession to the English throne when King Richard the Second was deposed,¹ or from a fear that the claim of James to the Scottish Throne was not duly respected, does not appear. The protest was altogether uncalled for, and was not followed up by King Henry.

During this year a considerable amount of negotiation took place between the two kingdoms. A truce had been agreed upon in the previous year to continue till Easter of 1407 (March 27th), and application seems to have been made by the Duke of Albany for its prolongation. The King of England referred the matter for consideration to some of the English bishops, and they returned answer to the King in a letter dated 2d March. Of that letter, which is in French, the following is a translation:—

MOST DREAD AND OUR SOVEREIGN LORD,—I commend me to your high royal Majesty, whom may it please to know, that by commandment of your gracious letters addressed to your humble bedesmen, the Bishop of London, the Bishop of Durham, and me, your most humble servant, we have met together to consult about the business touching the commission and instructions to be drawn up and given to your special commissioners to treat respecting the prorogation of the truce; and we have seen the letters of the very reverend father in God, the Archbishop of Canterbury, your Chancellor, in which he has given answer to your very honourable letters lately sent to him, so we, having regard to certain special points in your said letters, according as it seems to us and your said Chancellor, have signified and declared, and in terms

¹ In a communication by King Charles the Sixth of France to King Robert the Third of Scotland, about the year 1400, the former refers to the King of England as "the Duke of Lancaster, calling himself King of England."—[Report on *Fœdera*, App. D. p. 69.]

of his said reply, have charged, on the part of your Highness, Symon Gaunstede, one of the directors of your Chancery, to prepare two kinds of commissions, the one of which gives power to your commissioners to treat and agree about the renewal of the truce with the commissioners of the Duke of Albany, Governor of the kingdom of Scotland, as on behalf of Scotland; and the other gives power to your commissioners to treat and agree upon the said renewal with the commissioners of Scotland, having sufficient and like power on their part as your commissioners have on theirs.

And because we doubt that by some of your commissions the said Duke may take advantage of the name and right of Governor of the kingdom of Scotland, in defiance of the protestation recently made on your part in presence of the messengers of the said Duke, it seems in our humble opinion to be expedient to await the coming of your said Chancellor to London, which will be on Monday or Tuesday next at latest, as is said, without proceeding further in this matter; and that the letters under your Privy Seal addressed to the said Duke and to our most honoured Lord John, your son, and to your most honoured brother, the Earl of Westmoreland, do not pass in the meantime, but yet that letters under your signet should be sent to your said son and brother, to cause prorogue the truce between the Marchers: also as we think well that this be done by virtue of your commandment given to your foresaid son at his departure from your high presence, seeing that since the wardeus of the Marches on both sides can arrauge particular truces for a month, more or less, in the way they have formerly doue . . . no danger can happen for the time. Which our simple advice, saving always your high discretion, the said Bishops have charged me in their absence to make known to your Highness. May the Blessed Trinity always keep you in most happy life, prosperity, and health of body, for the safety of your people. Written at London, Wednesday, in haste.¹

Your humble servant and bedesman,
JOHAN.

To the King, our most dread and Sovereign Lord.²

In the meantime Henry wrote to Albany, saying that his Council were then absent, but that the truce might be prolonged if arrangements could

¹ 2d March, 8th year of King Henry the Fourth, added in a later hand.

² Original in Cottonian Library, British Museum.

be made. On receiving this information, the Duke of Albany assembled his Council, and in reply sent the letter, in Latin, of which the following is a translation :—

MOST SERENE PRINCE,—For the kind reception of our letters, and the gracious audience vouchsafed by your Highness to our ambassadors, the bearers of these letters, namely, our beloved councillors, Sir William Graham of Kincardine, and Sir John Stewart of Lorn, knights, we return your Highness our most hearty thanks.

We have received with grateful affection from our ambassadors, on their return to us from your presence, the letter of your Highness, which, among other things, intimates that on account of the absence of your Council, and for other causes expressed in your said letters, you were unable to give the answer desired by them in your presence on our behalf, unless they should wish . . . to direct ; especially as the matters proposed by them were arduous, and concerned the state, welfare, and honour of the kingdoms of Scotland and England. Which being duly considered, it seems expedient to you (if it should also be our pleasure), as your said letters contain, that in the fear of Almighty God, for the tranquillity of the kingdoms . . . and for avoiding the effusion of Christian blood between the kingdoms, the truce now existing between the foresaid kingdoms, which endures to the Feast of Pasch next to come,¹ to another term more . . . might be amicably renewed, that meanwhile the treaty upon the foregoing and other matters mutually affecting us may be more effectually kept and . . . Moreover, as to (our) will (respecting) the renewal of the truce . . . fifteenth day of the Purification of St. Mary² bypast, you now desire to be fully informed by our letters.

Concerning which, most serene Prince, on account of the (shortness) of the time . . . and the entry of the said commissioners to our presence, and also on account of the absence of the Lords from our Council and kingdom, we could not conveniently . . . Whereupon, your said letter having been more fully understood, we caused the Council of the kingdom to be assembled in our presence for deliberation on their contents . . . to endure to the Feast of Pasch,³ the year following the expiry of the said truce, in the same manner, form, and effect as the said last truce was made and

¹ Easter, 27th March 1407.

² 16th February.

³ 15th April 1408.

confirmed at Kelso . . . special commissioners of both parties, with all possible speed, before the expiry of the said truce, for the avoiding of those mishaps which might arise from the delay of this renewal beyond the forementioned period, notwithstanding the great and insufferable losses, grievances, and injuries repeatedly inflicted and perpetrated by your subjects, both by sea and land, upon the inhabitants of Scotland (in violation of the forementioned truce).

Concerning which we cannot obtain any reformation or redress from you or your subjects, although . . . you and they have been many times required with effect, both in the Marches of the kingdoms in your province and elsewhere.

Besides, most serene Prince, it seems expedient to us and our Council, and highly necessary for the welfare and quiet of both kingdoms, that some certain day of truce in the Marches of the said kingdoms should be appointed, where certain ambassadors and commissioners of noble estate, with a sufficient commission on behalf of either kingdom, might meet to treat and agree upon a perpetual peace to be maintained by the grace of God, or at least for a long truce, with reparation and due redress of all and sundry losses, grievance, and injuries, and all other attempts on both sides against the present and past truces, howsoever and by whomsoever perpetrated or to be perpetrated; and, if it please you, it is agreeable to us and to our Council of the kingdom of Scotland, that such a day be appointed in the week following the Feast of St. Peter, which is called "Lammasday,"¹ next to come, in the Marches at Hawdenstank: And you will be pleased to inform us what you shall deem meet to do in this behalf by your letters as speedily as possible by the bearer of these our letters.

May the Most High preserve your Highness in a lengthened peace, for the peace and quiet of all his people.

Written at the town of Perth, the second day of the month of March (1407).

ROBERT, son of the King of Scotland, Duke of Albany,

Earl of Fife and of Menteith, and Governor of the kingdom of Scotland.

To the Most Serene Prince Henry, by the grace of God, King of England.²

¹ 1st August.

Museum. A paper document, much mutilated.

² Original in Cottonian Library, British

To which the King of England responded in the following letter in Latin, of which a translation is here given :—

Henry, by the grace of God, etc., to the Duke of Albany, etc., greeting, and increase of sincere love. Replying in a friendly manner to our letters which we lately sent your Excellency, among other things you wrote that after consideration of the causes expressed in your said letters, it was agreeable to you and the Council of the kingdom of Scotland assembled thereanent, that the present truce, which lasts till the feast of Easter, should be continued or renewed, to endure until the feast of Easter in the following year, in the same manner, form, and effect as the last truce made and confirmed at Kelso ; and that the said renewal . . . special Commissioners on both sides with all possible speed before the expiry of the said truce, for avoiding of any damages which might arise from the delay of such renewal beyond the forementioned term.

Moreover, it seems expedient to you and your Council, and highly necessary to the welfare and peace of both kingdoms, as you have written, that a certain day should be appointed on the Marches of the said kingdoms where certain ambassadors and commissioners of noble rank, with sufficient commissions on the part of either kingdom to treat and agree upon a perpetual peace, to be obtained by the grace of God, or at least a long truce, together with reparation and a due reformation of all and sundry losses, grievances, and injuries and other attempts on both sides against the present and former truces. And, provided that it were agreeable to us, you and the Council of the said kingdom of Scotland it seems are content that such day should be appointed the week next after the feast of St. Peter, which is called Lammas Day, next following, ou the Marches at Haudenstank, of which you desire to be speedily informed by our letters.

Wherefore, your Excellence will be pleased to know that when we received your said letters on the 18th day of this month of March, and not before, the Lords of our Council, and especially our Chancellor of England, being absent at the present time, and not to return until the fifteenth day of Easter¹ next to come, we were unable, in

¹ 10th April 1407.

consequence of the shortness of the time, to send our commissioners against the said feast of Easter¹ for the foresaid renovation. But it being our sincere desire, as it is also yours, that on account of the fear of God, to avoid the shedding of Christian blood, that the blessings of peace and tranquillity may be preserved between the kingdoms, we shall ordain, as we are able in good manner, all pretence being laid aside, that certain commissioners of ours, namely, Ralph Euer, Robert Umfrevil, and John Miteford, knights, shall proceed to the parts of the Marches foresaid, furnished with sufficient power, namely, to treat and agree upon a truce to continue for a year in the same manner and form (as we thought good more fully to unfold our mind to our and your kinsman, the Earl of Douglas, before his departure from our country, as that Earl, when he arrives, can relate to your Highness in our name by word of mouth), and to treat and agree with the deputies of the said kingdom of Scotland upon a certain day and place, at which the ambassadors and commissioners of noble rank on both sides shall be bound to meet for establishing a final peace, or otherwise a long truce, together with reparations and reformations of attempts on both sides, so that, on our part, God willing, no failure shall be found, but that such a conclusion shall be arrived at in the premises, which parties on both sides . . . Because in following the doctrine of the apostle "to follow peace with all men," we are stirred up to show our love to the Author of Peace. Moreover, desiring also that although . . . in a suitable time, namely, before the expiry of the former truce at the feast of Pasch now instant, they were not able to meet on account of the shortness of the time of this truce, nevertheless on both parts are preserved . . . we write at present to our dearest son John, our Constable of England, and to our dearest brother the Earl of Westmoreland, keepers of the Marches on our part . . . that they may cause such truce, even after the expiry of the same, to be faithfully kept by our lieges, fully trusting that you will cause the like to be done on your part.

Given, etc., xxii. [day of March].

Indorsed : Copy of a letter directed to the Duke of Albany.²

¹ 27th March.

Cottonian Library, British Museum, much

² Contemporaneous Draft on vellum in the mutilated.

Arrangements were accordingly made for the meeting proposed to be held on Lammas Day, at least on the English side, as Henry, by a mandate issued on 8th July 1407,¹ empowered his son John, Constable of England, and Warden of the East Marches, to negotiate a truce which should continue till next Easter.² This either had not satisfied the Scots, or the Border depredations by the English had become too much for the patience of Albany, as we find him meditating an invasion of England at the head of a large army. On the 8th of September 1407, Henry wrote to the Sheriffs of some of the northern counties of England to be prepared to meet him with all the strength of their respective shires, and accompany him wherever it might be necessary, and tells them that he had most certain information from sure and trustworthy sources that "Robert, Duke of Albany, pretended Governor of Scotland, our common adversary and enemy, was proposing to invade the kingdom of England with no mean multitude and power of the Scots and other enemies, against the form of the present truce entered into between us and the kingdom of Scotland."³ But it does not appear that pacific relations were really interrupted between the two nations, as shortly afterwards letters were again passing betwixt the Governor and the King. The following is a translation of one, written in Latin, from Albany to Henry, about two months after this attack was expected. It is dated the 4th of November:—

MOST EXCELLENT PRINCE,—We received gladly some time ago the letter of your Highness, along with your safe-conduct granted to certain persons of our Council, presented to us by Leicester (King)-of-Arms, and have fully understood all that is contained in them according to their order.

¹ This and some other documents relating to the same period are misdated in the *Fœdera*. The year 1405 should be 1407.

² Rymer's *Fœdera*, vol. viii. p. 403.

³ *Ibid.* p. 414.

Concerning which, as they touch closely the (welfare) of both kingdoms, we send to your presence, without delay, certain of the persons named in the said safe-conduct who are more fully acquainted with our intention, and who, on their arrival, will more intimately inform you concerning the same than we can presently do by writing of letters. . . . Most excellent Priuce, on the return lately of our dearest nephew, the Earl of Mar, to our presence, we learned the numerous courtesies and favours which as often as possible you conferred on him and his in displaying their martial accomplishments on this occasion in your noble presence, for which with all our heart we thank you . . . the treatment heretofore in manifold ways bestowed upon our son, Murdach Stewart, and our cousin the Earl of Douglas, (we desire) your Majesty to continue towards them in the future.

Moreover, if there is anything in these parts which we can do for your pleasure certify (us thereof), and we shall accomplish the same to your satisfaction, saving always our state.

May the Most High long preserve your Excellency, and grant you felicity and peace.

Written at the town of Perth, the 4th day of the month of November (1407).

ROBERT, Duke of Albany, Earl of Fife and of Menteith,
and Governor of the Kingdom of Scotland.

To the Most Excellent Prince and Lord, Henry, by the Grace of God, King of England.¹

The continuation of the truces between England and Scotland was never very certain, and when they were observed by the Borderers, it was often with a bad grace. In 1409, on the expiry of a year's truce, the Castle of Jedburgh was taken from the English, and was ordered to be levelled with the ground. The task was no easy one, as the mortar with which it was built had become as hard as the stone itself. At a meeting of Parliament at Perth, it was proposed that the expense should be met by levying a tax of twopence on every home in the country; but this Albany strongly opposed, saying that

¹ Original in Cottonian Library, British Museum.

taxes had never been imposed during the period of his governorship, neither should he levy them now, as the poor would curse him who introduced such an abuse, and he instructed the expenses of the demolishing of the castle to be paid out of the royal customs. This procedure added greatly to his popularity.¹ Yet it is noteworthy that in this very year the Treasury was due a large sum of money to the Duke for arrears of the salary of his office as Governor. The Lord Chamberlain, in his account rendered at Perth on the 20th May 1409, reported a balance of £1492, 19s. 9d., which sum, he added, had been paid to his father the Governor, as part of his fee for the office of Governor of the kingdom for previous years, and also for the year of this account. And thus, he says, he has received for the fee of his office during the past three years, since the death of the King his brother, only £2466, 8s. 5d., leaving as the complement of the £3000 not paid to him for the three years last past, namely, 1406, 1407, and 1408, or the year of this account, the sum of £533, 11s. 7d. In addition to this, Albany himself protested that although he had incurred heavy expenses, and laboured much before the death of the King in his office as the Lieutenant of the King, he had not been paid the fee appointed to him by the King and Parliament; and he accordingly asked that payment should be made to him early when time and opportunity afforded, and the royal revenues were more abundant.² In the previous year, 1408, the Duke granted £20, being the relief of the lands of Garthgunnok in Stirlingshire, pertaining to John Normaville, towards the making of the bridge of Stirling, for the soul of our late lord King.³

¹ Fordun, a Goodall, vol. ii. p. 444. Two entries in the Exchequer Accounts concerning this business are interesting. For guarding the masons employed in the demolition of the castle, James Douglas, brother of the Earl, received £20, and Robert of Hawick, employed

about the same work and the building of the King's kitchen in the Castle of Edinburgh, received a similar sum.—[Exchequer Rolls, vol. iv. pp. 115, 117.]

² Chamberlain Rolls, vol. iii. pp. 28, 29.

³ Exchequer Rolls, vol. iv. p. 68.

The Earl of Douglas had returned to Scotland in the year 1408, having with great difficulty obtained leave only to visit his native land. It required years of prolonged negotiations, and it was not until twelve Scottish noblemen had consented to become hostages for him during his absence, that the King of England permitted him to return.¹ In the same year, George Dunbar, Earl of March, was restored to his earldom by the good offices of Walter Haliburton, Lord of Dirleton, who effected his reconciliation with the Governor. The consent of the Earl of Douglas was obtained by his receiving the Castle of Lochmaben and lordship of Annandale in recompense for the Castle of Dunbar, which he had occupied on March's flight into England.² Haliburton, by whom this reconciliation was brought about, had become the son-in-law of the Duke of Albany, by marrying his daughter, Isabella, Dowager Countess of Ross.³ For his services on that occasion Haliburton received hereditary possession of a forty pound land in the town of Brigham, in the county of Berwick.⁴

Shortly afterwards, in June 1409, the Duke of Albany and Archibald, Earl of Douglas, while the latter was still only on his parole from imprisonment in England, entered into a bond for mutual assistance and support, in which both agreed to defend each other against all their opponents, their allegiance to their sovereign, King James, alone excepted. The one was to inform the other of anything prejudicial to him which might come to his knowledge; in the event of their disagreeing, provision was made for an amicable settlement by means of the arbitration of a council of

¹ *Rotuli Scotiæ*, pp. 182-186. Original Indenture in Douglas Charter-chest.

² Fordun, a Goodall, vol. ii. p. 444.

³ *Ibid.* Another Walter Haliburton married, about the year 1403, Lady Mary Douglas,

daughter of Archibald, third Earl of Douglas, and widow of David, Duke of Rothesay. She survived till about the year 1420.—[Exchequer Rolls, vol. iii. p. 594; iv. p. 343.]

⁴ Fordun, a Goodall, vol. ii. p. 444.

seven persons chosen by both; if a question of fee and heritage arose, and the award of the council proved out of harmony with the opinions of the parties, the cause was to be settled by reference to the law ("in lufely manere as the lach will"); in case of discord or slaughter among their followers, and failure of their lords to bring about an arrangement, they promised to fall from them and refer the matter to the law of the land; they further agreed, that if any of their sons or grandsons, or of their brothers, should cause riot or disturbance in the country, or should rebel against or disobey either the Duke or the Earl against reason, the one should assist the other, either personally, or by one of his two eldest sons, with all their power, to suppress such rebellion. It was further agreed that if it happened the said Lord the Duke to grow in time to come to the estate of king, that this bond, as touching equal fellowship and estate, should then expire, but that all kindness should be kept betwixt them in time to come; and a clause in the indenture gave two of the grandsons of the Duke of Albany, Robert Stewart of Fife and Walter Stewart of the Lennox, and two sons of the Earl of Douglas, Archibald and James, both of whom were at this time in Durham as hostages for their father, the option of being included in the bond with their fathers.¹

The relations between Albany and Douglas, ever warm and close, were drawn yet closer by a matrimonial alliance, John Stewart, Earl of Buchan, the second son of the Duke, marrying Lady Elizabeth Douglas, daughter of the Earl. An indenture between Albany and Douglas, with this as its object, was made at Perth on 21st July 1410.²

The release of the Earl of Douglas on parole was only to extend till Easter 1409, but the month of January following had arrived, and yet he showed no disposition to re-enter into the ward of the King of England. This gave occasion to a remonstrance by the latter, which was sent to Albany by

¹ Vol. ii. of this work, p. 277.

² *Ibid.* p. 281.

the hands of Edmund Bugge, one of the King's squires. His instructions were as follows :—

Instruccion geven to Emond Bugge, squier of the chambre of our sovereign lord the Kyng, sent by the same our lord the Kyng toward the Duc of Albanie, for to shewe hym the matires that folweth.

First, al thow that Archibaud Erl of Douglas, as it is notoirly knowen, and he hym self, as trewe knyght, may nocht withseye it, be prisoner to our forsaid lord the Kyng, and for some chargeant nedes touchyng his estat, by hym shewed to the forseid our lord the Kyng, at his greet instance and pursuyte, yn conservacioun of hys estat, were licenced to goo in to Scotland vpon certain seuretee, yeven to the Kyng our forseid sovereign lord, as wel by lettres of the same Erl sealed of hys armes, as by oth and in other manere, for to have be retourned and entred agayn at feste of Pasque last passed yn to the Castel of Durem, yn and to the warde of Sir Johan of Lancastre, sone to our forsaid lord the Kyng, other elles to the same our lord the Kyng yn what place he were at that tyme withoute fraude or mal engin. Neretheles, the forsaid Erl hath nocht maked nor perforumed that entree atte forseide feste, nother after hider to, althow that to do it he hath be duely requered.

And for so myche our forseid sovereign lord the Kyng, willyngge and dessiryngge the honeur of the ordre of knighthood be kept in alle sides, requereth the forsaid Duc, yn conservacioun of the honeur of the forseid ordre of knighthood, that he lette nocht ne yeve no lettyngge to the forseid Erl of Douglas, prisoner to our forseid sovereign lord the Kyng, to come, entre and tourne agayn to hym as his trewe prisoner, as he is holden, bote that the same Duc consaille and excite the forseid Erl to doo it effectuely, as a trewe prisoner aghte doo, withoute fraude or mal engin.

Also, seththe the forseide Duc hath writen to the forseid our sovereign lord the Kyng, desiryngge and prayngge the deliverance of Mordake of Fyfe, sone and heir to the same Duc, it liketh wel to our forseide lord the Kyng, atte instance and priere of the forsaid Duc, that the forsaide Mordake, his sone and heir, be delivered by raunceon of fifty thousand marke, to be payed in cas that oure forsaid lord the Kyng take eny moneye for hym.

And yn cas that the forsaid Duc wil nocht assente to the paiement of swich a somme in manere forsaid, thenne it may discretly be asked of hym, yf he wil fynde any weyes thorgh whiche our forsaide lord the Kyng may be moeved and induced to condescende to the deliverance of the forseid Mordake his prisoner. And yn this caas, it wole lyke wel oure forseid lord the Kyng here hem and condescende to alle weyes resonable in fulfillynge of the desir of the same Duc in that partie, so that it be to the comun good of bothe royaumes of Engeland and Scotland.

And if it happe that the forseide Duc wil desire, for the commoditee and comun profit, and for the good and tranquillitee of the forsaid royaumes of England and Scotland, and ofe the subgettes of the same, that ferme pees, other longe and good trieues, as wel by see as by lande may be accorded and stablissed, thenne we may there upon certifie the Kyng our sovereign lord forsaid.

And if peradventure the same Duc wil holde hym coy and no thyng touche of such weyes of pees other long trieues, thenne may the forsaid Emond Bugge of his propre mocion discretly touche of swiche weyes of pees or longe trieues as is above seyde, and yf by that mocion and touchyngge the forseid Emond may fele the forseide Duc be ther of right desirous and assentyngge to eny of swiche weyes, thenne it may be seide to the forsaid Duc, that if swich pees or trieues be taken, they may be so good and so expedient for bothe royaumes and the comun profit of the same, that our forsaid lord the Kyng shal mowe by that the bettre be enclyned to the deliverance of the forsaid Mordake for litel or right nocht takynge for his raunceon, so that the same Duc make the forsaid Erl entre agayn as prisoner as he is holden.

Also ther as the herault of the same Duc cleped Albany hath moeved amonges othir thyngges to our forsaid lord the Kyng of contract of matrimonie to be maked betwixt my Lord John, sone to our forseied lord the Kyng, and a daughter of the forsaid Duc ; If that be proceded of the mocion and desir of the same Duc or noo, it is unknowen to our sovereign lord the Kyng forsaid.

And therefore our same lord sovereign the Kyng wyl that the forseid Emond enfourme the forseide Duc ofe and upon the same matire moeved by his forsaid heraud. And in caas that the mocion of that same matire have proceded ofe the wettyngge and desir of the forsaid Duc, thenne wil the same Duc certifie his

wille to our forsaid lord the Kyng by his lettres by the forseyd Emond. Whereupon the same our sovereign lord the Kyng, deliberacion had, wol yeve ther opon so effectuel answe to the forseid Duc, that therofe, by the grace of God, he shal be content of resoun.

In witesse of which thyng our forsaide soverain lord the Kyng hath do set to this present instructioun his prive seal and his signet also. Writen at Westmonster, the xxv day of Januer, the yeer of the regne of the same our lord the Kyng enleventhe.¹

The Earl of Douglas did not return to his captivity in England, as he succeeded in raising the money required for his ransom, and in this way fulfilled the requirements of knighthood.² The son of the Duke, Sir Murdach Stewart, had to remain in captivity, as the 50,000 marks demanded for his ransom could not be procured, and no other honourable mode of release presented itself to the Duke, as he was evidently not inclined to place the nation at any disadvantage in its relations with England for his own gratification.

The instructions of this commissioner bring to light a somewhat surprising motion for the union of the royal houses of Stewart and Lancaster, in the persons of John, son of the King of England, and a daughter of the Duke of Albany. Whether it had been part of the Duke's instructions to his herald does not appear. The King of England expresses his doubts as to that, and desires to be better informed by letters from the Duke himself on the subject. But here the matter ends, as no other document is known which relates the result of the mission of Edmund Bugge in this particular.

He was, at all events, successful in procuring that there should be a prolongation of the peace between the two countries, and after his return a

¹ Original in Cottonian Library, British Museum.

² Rymer's *Fœdera*, vol. ix. p. 7.

truce, to continue till 21st May 1411, was arranged at Hawdenstank on the 21st April, between the commissioners appointed by the King of England and Governor of Scotland. Albany was satisfied with the truce proposed by his commissioners, and on the 6th May wrote from Falkland Castle to King Henry the Fourth, intimating his entire acquiescence with the arrangement, which was that, on the last day of the month of May, letters of certification should be made and despatched by King Henry at Kelso, and the Duke at Berwick, and declaring that if the truce was accepted, it would be firmly maintained and observed by him and the people of Scotland, in all form and effect, as the truce of the previous year.¹

Instead of accepting the truce on the last day of the month of May, as arranged, King Henry on that day appointed commissioners to meet with others to be appointed by the Scots on the 17th of June, to procure a truce lasting only till the feast of All Saints (1st November). This appears to have been resented by the Scots, as tidings reached the English Court in the beginning of July, that an invasion of England was intended by a considerable body of the Scots within a short time; and Henry issued letters on the 5th to a large number of knights and others to resist any such attack.² About this time Fast Castle, an almost impregnable fortress on the rocky coast of Berwickshire, was taken from the English by the skill and bravery of Patrick Dunbar, a son of the Earl of March,³—a happy result of the reconciliation of Albany with March and his family, who had hitherto held out the Scottish castles for the English against their own countrymen. It was but a few years previously that George Dunbar, another son of the Earl, had maintained the fortress of Colbrandspath for King Henry against the Governor.⁴

¹ Rymer's *Fœdera*, vol. viii. p. 635.

² *Ibid.* p. 640.

³ Fordun, a Goodall, vol. ii. p. 444.

⁴ Rymer's *Fœdera*, vol. viii. p. 410.

Before the close of the year matters had again become smoother, and overtures were made for the making of another truce. The same commissioner, Edmund Bugge, was sent to the Governor, who wrote to Henry on the 2d of October, proposing a meeting between commissioners of the two nations; and in reply received a letter, of which the following is a translation :—

Henry, etc., to the noble and mighty Priuce, the Duke of Albany, our most dear cousin, greeting and love. Noble Prince, our most dear cousin. - Returning lately to our presence, our well-beloved esquire, Edmund Bugge, presented to us on your behalf your letters written at Edinburgh, the second day of October last past, containing, among other things, that for the common profit of the two realms, and for the avoiding of the irreparable damages which by the waging of war would be likely to ensue (which God avert), it is your intention and will that commissioners of high and noble estate on each side, provided with sufficient powers for the causes expressed in our letters, presented to you by our said esquire, should meet at Haddenstank on Monday, the tenth day of February next coming, always reserving our willingness to consent ; whereof, and of our pleasure as to other matters, you desire to be certified by our letters, at the Abbey of Kelso, on the Feast of St. Andrew next coming.

Whereupon, noble Prince, our most dear cousin, be pleased to know that it is our intention, and that herein we are well inclined to cause to be sent at the day and place above expressed, our commissioners of such rank as your said letters make mention. But by reason of other most important concerns, to which it is highly necessary to have, in haste, the advice of the highest and wisest of our realm, we cannot well provide for the presence of men of such rank. On which account we have ordained to send to you at Kelso, on the 27th day of January next coming, our dear and trusty knight, Richard Redmayne, and our beloved clerk, Master Richard Holm, canon of York, to meet there, at that time, with commissioners of like rank of your side, to lay down distinctly the tenor of such treaties as shall be likely to be kept and maintained, and also the rank of the grand commissioners on the one part, and on the other, and the day and place at which they might meet on the March, for

making a final treaty of peace, or a long truce between the two realms, according to that which, on their meeting, may seem most expedient and needful, and to treat meanwhile on the reparation to be made for attempts contrary to the truce. Concerning which, noble Prince, our most dear cousin, in case that you are willing, on your part, to act in like manner, and what shall be your intention in this case be pleased to certify by your letters before Christmas next coming, at our town of Berwick, to our most dear son John, Warden of our East March towards Scotland, to whom we have written, to receive the same certification on our behalf for the more speedy fulfilment of the business.

Noble, etc., may our Saviour have you in his holy keeping.

Given at the Abbey of St. Alban's, the 14th day of November (1410).¹

The regency of Albany was signalised by the establishment of the University of St. Andrews, which was the first in Scotland. It was opened in the year 1410, and several of the clergy were appointed Professors, and began their prelections; but the deed of foundation was not obtained from Rome until the year 1413.

Alexander Leslie, ninth Earl of Ross, married Lady Isabella Stewart, one of Albany's daughters. To them was born a daughter Euphemia, who is said to have been deformed, and on that account to have entered a convent. Her father died before 1405, as in that year she was under the care of the Duke, her grandfather, who, in a precept of sasine to Donald Caldor of the offices of Sheriff of Nairn and Constable of Nairn Castle, granted at Dingwall on the 11th of July of that year, is styled Lord of the Ward of Ross.² Countess Euphemia disposed her lands to her maternal uncle, John Stewart of Buchan, or, it may be, only expressed her intention of doing so, without regard to the claims of her paternal aunt Margaret, who had married Donald, Lord of the Isles, and was next heir. In right of his wife the Lord of the

¹ Contemporaneous Draft on vellum in the Cottonian Library, British Museum.

² The Thaness of Cawdor, p. 5.

Isles disputed the disposition of the earldom, and prepared to take it by force. Having raised an army of ten thousand men he entered the earldom, laying waste all the country he passed through, and proceeded towards Aberdeen, intending afterwards to reduce to his power all the country north of the Tay. But he was met at Harlaw by Alexander Stewart, Earl of Mar, and Alexander Ogilvy, Sheriff of Angus, with all the available strength of Mar and Garioch, Angus, and the Mearns, and on the 24th of July was fought one of the fiercest battles ever waged on Scottish soil. Although Mar's brave army suffered severely, the Lord of the Isles was practically defeated by him. Owing to the great slaughter among the loyal knights, the governor, at a Parliament held soon afterwards, declared that the sons of those who were slain should be infeft in their paternal estates without payment of the usual feudal fees, and that even minors should be permitted to enter to their lands at once.

The Duke of Albany followed up the battle of Harlaw by assembling an army and proceeding to the castle of Dingwall, the chief messuage of the earldom of Ross, which had been in the possession of the Lord of the Isles. He seized the castle, and appointed a keeper. The approach of winter prevented further operations at that time, but in the ensuing summer the Duke raised three armies and attacked Donald, Lord of the Isles, in his own strongholds. The island chieftain, however, shunned the combat, and came to the Duke's peace at Loch Gilp, where he gave hostages for his future good behaviour, and for indemnifying the injuries he had caused to the lieges.¹ The Duke of Albany also took the opportunity of strengthening the power of the Crown in the north, by causing a castle to be built at Inverness, under the direction of Alexander, Earl of Mar, who was for several years engaged in superintending its construction, and also with others in securing the peace of that part of the country against the Lord of the Isles and the Caterans.²

¹ Fordun, a Goodall, vol. ii. p. 445.

² Chamberlain Rolls, vol. iii. pp. 47, 58, 66, 69.

The Lord of the Isles renounced, at least for the time, his claim to the earldom of Ross, which was afterwards resigned by Euphemia, Countess of Ross, into the hands of her grandfather the Governor, on 12th June 1415, and on the 15th of the same month it was regranted by the Duke to her and the heirs of her body; whom failing, to John Stewart, Earl of Buchan, and his heirs-male; failing him, to Robert Stewart his brother, and his heirs-male; and failing them, to the King and his heirs, being Kings of Scotland.¹ John, Earl of Buchan, afterwards possessed the earldom, and was for some time styled Earl of Buchan and Ross. He was slain in Normandy, at the battle of Verneuil, in August 1424. Dying without issue, his brother Robert should have inherited the earldom of Ross, but as it was claimed by the Lord of the Isles, King James the First appears to have taken advantage of the dispute and seized the earldom. Although Robert Stewart lived until 1431, he is never mentioned as Earl or Lord of Ross, but only as a Crown pensioner. James afterwards bestowed the earldom of Ross upon Alexander, Lord of the Isles.

The Duke of Albany was also allied by marriage with the family of Argyll, Duncan, first Lord Campbell, having married Lady Marjory Stewart, another daughter of the Duke. Albany granted a charter to his beloved son, Duncan Campbell of Lochaw, of the lands of Menstrie, in the shire of Clackmannan. To this charter, dated at Stirling, 18th January 1414, Henry Percy, Earl of Northumberland, is a witness, along with William Douglas of Logtoun.² This is probably the only instance in which a Percy and a Douglas have been found together as attesting witnesses in a royal Scotch charter. The young Earl was still a refugee at the Court of the Governor.

Although a six years' truce had been agreed to in 1412, of which the

¹ Original in Charter-chest at Leslie House.

² Original in the Duke of Argyll's Charter-chest.

Duke of Albany at once took advantage to seek the release of King James and the nobles and knights held in captivity by the English king, a new truce was found necessary in the following year. A commission to ambassadors was granted by the Governor, at his castle of Doune in Menteith, in the autumn of 1413, which is here translated from the original Latin :—

Robert, son of the King of Scotland, Duke of Albany, Earl of Fife and of Menteith, and Governor of the kingdom of Scotland, to all to whose knowledge these present letters shall come, greeting : Know ye that we, fully confiding in the fidelity, wisdom, and prudence of our beloved and faithful Patriek Dumbar of Bele, our cousin, William Hay of Lochorwart, and William of Borthwick, knights, have made, constituted, and ordained, and by these presents make, constitute, and ordain, with knowledge and consent of Council, them and each, conjunctly and separately, our special deputies, commissioners and ambassadors, giving and granting to them and any one of them, conjunctly or separately, our full power and special commandment to meet with any commissioners or deputies appointed by Henry, King of England, our adversary, on days and at places on the marches of England and Scotland or thereabout to be agreed upon ; also to treat and confer with the saids commissioners of our foresaid adversary, of and concerning a general truce by sea, and a particular truce by land, between us and the kingdom of Scotland and our said adversary and kingdom of England, and the lieges and subjects of both kingdoms, to be made and confirmed, and to endure for such time as shall seem expedient to you and the commissioners of our adversary ; and to treat of, do and arrange all and every other thing needful or conducive to the due expedition of the premises, even although these should require a more special command ; holding and promising to hold whatever our said commissioners or any one of them, conjunctly or separately, shall cause to be done in the premises or any of the premises. Given under testimony of our Great Seal, at our Castle of Doune in Menteith, the 7th day of the month of August, the year of our Lord one thousand four hundred and thirteen, and of our governorship the eighth year.¹

¹ Rymer's *Fœdera*, vol. ix. p. 45. This castle has been erroneously supposed to have been erected by Murdach, second Duke of Albany. But the fact of the existence of the

The commissioners were successful in arranging a truce to last from 15th August to the 1st of June following.¹

In the same year, in view of the marriage of his son, John Stewart, Earl of Buchan, which had not yet taken place, the Duke of Albany confirmed a number of charters of lands to him and his intended spouse, Lady Elizabeth Douglas. The Earl of Douglas resigned into the Governor's hands the lands of Stewartoun, Ormisheuch, and Dunlop, in the barony of Cunningham, and the lands of Trabuyage in the earldom of Carrick, all in Ayrshire, which were granted to the Earl of Buchan. The lands of Touchfraser, in Stirlingshire, which the Earl of Buchan had received six years before from his grandfather, William Keith, Marischal of Scotland, were also resigned by and regranted to him, and the Governor added the barony of Tillicoultry, in Clackmannanshire. Most of these charters were granted about the beginning of November, and one of them on the 24th of November, after the Duke had returned to Doune Castle.²

The Governor becoming anxious for the return of his eldest son, Sir Murdach, from England, had sent repeated embassies to obtain the release of both him and the King, but hitherto without success. In this year, 1413, he sent his son John, Earl of Buchan, to the King of England, along with his own chaplain, John Busby, and a squire, John Porter, to treat for Sir Murdach's release.³ The last-named commissioner had special business with Sir Murdach himself, and received a safe-conduct to go to him.⁴ There were at the same time in England two other Scottish embassies, one of which was negotiating for the release of the King, the other, some arduous business connected with the two realms.⁵

castle as a residence of Duke Robert, shows that his son could not have been the builder of Doune. A full history of the castle is given in a subsequent chapter of this work.

¹ Rymer's *Fœdera*, vol. ix. p. 60.

² *Registrum Magni Sigilli*, pp. 254-256.

³ Rymer's *Fœdera*, vol. ix. p. 48.

⁴ *Ibid.* p. 125.

⁵ *Ibid.* pp. 71, 79, 145.

The Scottish commissioners appointed to treat for the release of the Duke's son had safe-conducts from Henry the Fifth of England, dated 12th May 1415, to proceed to Calfill, near Berwick, and there exchange Henry Percy for Murdach Stewart,¹ but the proposal was not at that time carried out, and in the beginning of the month of August tidings reached King Henry at Southampton that the Scots were preparing to go to war with England.² On the 5th of the same month he appointed commissioners to meet with others from Albany to negotiate a truce,³ but on the 14th, and also the 24th, the King of England stated that he had received information that Albany was about to lay siege to Berwick-on-Tweed both by land and sea, and had raised a very great army for this purpose, as well as equipped ships, and that the attack was to be made within a very short time, an invasion of England being also intended.⁴ We do not find that any such grave conflict took place, save that, as an ancient historian records, in this year, 1415, the town of Penrith was burned by Archibald, Earl of Douglas, and that in return the English burned the town of Dunfries.⁵

Before the close of the year, however, Henry agreed to carry out the arrangement for the exchange of Sir Murdach Stewart and Henry Percy, and this was finally accomplished in the beginning of the following year. It would appear as if this exchange had been first moved by Percy himself who was anxious to return to his possessions and earldom on being assured of King Henry's good-will towards him, but the Governor refused to allow him to depart until some arrangement was made about the Scottish prisoners. He was willing, however, to agree to the exchange, and the King of England likewise agreed, but only on condition that Percy would

¹ Rymer's *Fœdera*, vol. ix. p. 244.

² *Ibid.* p. 299.

³ *Ibid.* p. 302.

⁴ Rymer's *Fœdera*, vol. ix. pp. 307, 310.

⁵ Fordun, a Goodall, vol. ii. p. 448.

take on himself the burden of £10,000 demanded by him for the ransom of Sir Murdach. This Percy undertook, and settled the matter with Sir Murdach afterwards.

The King of Scotland was too valuable a prize to be permitted to return to his country on similar terms, although immediately after his son's release Albany despatched an embassy to the English King to ascertain on what conditions he would consent to restore the royal captive. The commissioners were John Hailes, Abbot of Balmerino, Sir John Forrester of Corstorphine, and Walter Ogilvy, and their endeavours were so far attended with success that an arrangement was made by which James was to visit his kingdom, and return again into England, on condition of hostages to the value of 100,000 marks being found for him. The Scottish commissioners received their safe-conducts in the beginning of May 1416, and before the expiry of that year Henry appointed Thomas, Bishop of Durham, Henry, Earl of Northumberland, and Ralph, Earl of Westmoreland, to receive the hostages and securities.¹ On the same day (8th December 1416) on which Henry granted this commission, he also empowered the commissioners above mentioned to grant safe-conducts to some notable persons coming from Scotland to King James in England, while he himself granted the like to Walter Stewart, Earl of Athole, Sir William of Graham, Alexander Lindsay, Earl of Crawford, George Dunbar, son of the Earl of March, Henry, Bishop of St. Andrews, William, Bishop of Glasgow, William Douglas of Drumlanrig, Archibald, Earl of Douglas, Alexander Stewart, Earl of Mar and Garioch, and the two eldest sons of the Duke of Albany, Sir Murdach and John, Earl of Buchan.² Their business could only be the important one of the King's release, or to make arrangements for a temporary visit, and in this the Duke, as he could not leave the affairs of the kingdom to go in person in the expectation of

¹ Rymer's *Fœdera*, vol. ix. p. 417.

² *Ibid.* p. 418.

meeting his Sovereign, both used his authority as Governor, and sent his two sons to represent him. The arrangement, however, was never carried into effect, and King James was still detained in England.

Albany continued, therefore, to discharge the onerous duties of Regent, and with evident acceptance to both nobles and people. He gave licence, dated 3d March 1416, to James Dundas of Dundas, to build, fortify, and erect in height his tower at Dundas in form of a castle, to surround it with walls and ditches as he pleased, and to appoint a constable, porter, and other keepers, with the powers usual to such in any Scottish castle.¹ To the Church likewise the Duke was generous, and maintained its privileges. He frequently ratified the grants and immunities which had been conceded to the Church by the Kings of Scotland, besides giving grants himself. On 8th September 1406, at Falkland, he granted the third part of the lands of the barony of Rosyth for the support of a chaplain in the parish church of Inverkeithing, for the souls of his wife Muriella, Duchess of Albany, her father, William Keith, Mareschal, and others;² and on the 26th of June following, he gave half of his annual rent of twenty marks of the lands of Cragorth for the sustenance of a chaplain in the chapel of Michael the Archangel in Stirling Castle, where masses might be said for his own soul and those of his two wives Margaret and Muriel, and their children, and also for the souls of the Kings of Scotland since King Robert the Bruce.³ In 1406, when the Bailies of Ayr were condemned in £140 for absenting themselves from the Exchequer Audits for fourteen years past, the Governor and Lords Auditors remitted the amount on condition that the *Communitas* of Ayr would cause three trentalia⁴ of masses to be

¹ Historical Manuscripts Commission's Third Report, Appendix, p. 413.

² *Registrum Magni Sigilli*, p. 227.

³ *Ibid.* p. 231.

⁴ An office for the dead lasting thirty days, or consisting of thirty masses.

celebrated for the souls of the Kings of Scotland, the Duke of Rothesay, and all the faithful deceased.¹ In 1408 he granted the rents of the lands of the bishopric of Moray, which were in the hands of the Crown for the time, the see being vacant, to the Earl of Moray, for the rebuilding of the Cathedral Church of that diocese at Elgin, and another grant of £79, 15s. 6d. was made to the Bishop of Moray in 1413 for the same purpose.² The whole of the fees of the Chamberlain-ayres at Edinburgh, in 1409 and 1413, with the exception of their expenses, were granted in those years to the work of St. Giles's Cathedral in that city; and on another occasion, in 1414, when the parish church of Stirling was destroyed by fire, he granted the proceeds of the Chamberlain Court held in Stirling for its restoration.³ Again, on the 26th June 1417, when the Sheriffs of Aberdeen and Banff were disposed to trespass upon the privileges of the clergy in that part, the Duke wrote straitly commanding them to forbear.⁴ And thus by a wise discretion he preserved peace and harmony in the country, and procured for himself the favour of all classes, both of clergy and laity.

Previous to 22d June 1417, the Duke was present at Justice-ayres held at Ayr, and also at Irvine.⁵ At the latter burgh he adjudicated on a cause which had arisen betwixt the burghers and William Frances of Stane, and the following deliverance is interesting as revealing his sound discretion and prudence in such matters:—

Robert, Duke of Albany, Earl of Fife and Menteith, and Governor of the kingdom of Scotland, to all and sundry to whose knowledge the present letters shall come, greeting. Because it is pious and meritorious to bear testimony to the truth, and particularly in a cause or case in which concealment of the truth respecting fees and heritage might be created to innocent persons, hence it is that we notify to you all,

¹ Exchequer Rolls, vol. iv. pp. 22, 23.

² *Ibid.* pp. 68, 173.

³ *Ibid.* pp. 129, 188, 210.

⁴ Acts of the Parliaments of Scotland, vol. xii. p. 22.

⁵ Chamberlain Rolls, vol. iii. p. 91.

by the tenor of these present letters, that on account of a certain disagreement moved between the bailies, burgesses, and community of the burgh of Irwyne on the one part, and William Frances of Stane on the other part, respecting a certain claim of heritable possession of a piece of moor lying at the west end of the chapel of Saint Bridgidie, in the barony of Conynghame in the sheriffdom of Ayr, on account of which disagreement moved betwixt the said parties, and for avoiding the evil and ills which might thence arise, we caused the said piece of moor, with its pertinents, to be duly recognosced into our hands a long time ago, and afterwards for putting a termination to the said disagreement, and for seeing, declaring, and finally determining to which of the said parties the said piece of moor, with its pertinents, ought to belong and of right and reason to remain with, we caused to be duly summoned by our bailie of the barony of Conynghame, by our letters-patent under our seal, the aforesaid parties, together with the better and more faithful men of the country, in proper person to appear before us on Saturday the 24th day of July, personally on the said account. On which day the said summons being duly proved before us then by good and faithful men of the country, by whom the truth of the thing could be better known, their great oath intervening, viz., John of Camera of Gadgirth, John Locarde of the Bar, Robert Roos of Tarbart, John of Arnot of Lochrig, Robert of Fergushill of the same, Henry of Conynghame, John Boyle of Caleburn, Alexander Frazer of Knock, Finlay Monfode of the same, John of Langmuir of the same, John Homil, Gilbert Spere, John Gibbounson, William Dobynsoun, and Adam Lachlane, we caused to be diligently and faithfully inquired which of the said parties was in possession of the said piece of moor at the time of our recognition aforesaid, and being sworn and well and maturely advised and counselled, in one voice, with no difference, said, declared, and finally determined that the aforesaid bailies, burgesses, and community were in possession of the said moor, with its pertinents, at the time of our recognition above mentioned, and therefore the said moor, with the pertinents, in presence of many chiefs of the realm, barons, knights, and nobles of the kingdom, namely, Murdach Stewart of Kyncevine our lieutenant, John Stewart, Earl of Buchan, our dearest sons, John of Montgomeri of Ardrossan, Winfrid of Conynghame of Auchtermachane, knight, Alexander of Levingstonu of Kalaudare,

William of Conyngame of Kilmawris, and Archibald of Conyngame of Auchinbowie, and many others of deliberate counsel, we deliver in surety to the said bailies, burgesses, and community as possessors of the same, as we were bound and ought to do in consequence of the office we had undertaken, etc. etc.¹

The King of England had gone to France with the flower of his army, leaving his own kingdom in the care of his brother, the Duke of Bedford. During his absence, says an English historian, the Lollards (a political party opposed to the House of Lancaster), under the leading of Sir John Oldecastle, began to scheme madly and to incite the Scots, both by entreaties and promises of money, to enter England, assuring them that it would be easy work. William Douglas, it was said, had been spoken with at Pontefract, and promised a large amount of gold if he succeeded in raising his countrymen to undertake the invasion. They desired the Scots also to bring with them the person at that time at Albany's Court, whom many thought to be King Richard of England, so that he might show himself as King of England.² The Scots gathered to the fray with alacrity, and the Governor, dividing his army into two portions, sent one of them under Archibald, Earl of Douglas, to besiege Roxburgh Castle, while he himself proceeded to Berwick.³ Douglas had commenced the siege of Roxburgh by undermining the walls, but when the Duke of Bedford, with other English nobles, was announced to be rapidly approaching, at the head of more than a hundred thousand men,⁴ the enterprise was suddenly abandoned, and the Scots retired somewhat precipitately, on account of which the incident, says a Scottish chronicler, was afterwards commonly known as "the foul raid."⁵

In the year 1417, the question of the occupancy of the Papal throne

¹ Translation from Topographical Description of Ayrshire, by George Robertson.—Original in Irvine Town-Council Charter-chest.

² Walsingham, p. 446.

³ Fordun, a Goodall, vol. ii. p. 449.

⁴ Walsingham, p. 447.

⁵ Fordun, a Goodall, vol. ii. p. 449.

commanded the attention of the Parliament and people of Scotland in a special manner. The Council of Constance had been sitting for several years, but without any representative from Scotland, which at this time was the only kingdom adhering firmly to Pope Benedict the Thirteenth. In this year, however, the Council sent a commissioner to invite the adherence of Scotland, who made known his errand in an address before the Governor, and the three Estates of the kingdom met in Parliament at Perth. The Emperor Sigismund wrote at the same time to the Governor and Parliament urging union with the Council. On the other hand, Benedict wrote to the Governor and Parliament to stand fast in their obedience to him. The Duke of Albany personally favoured the claims of Benedict, and obtained an English friar, Robert Harding, to dispute the matter against the commissioner of the Council of Constance. The entire University of St. Andrews were quite opposed to the English priest, but he, backed by the Governor, stubbornly pursued the debate. At length the question was to be settled in Parliament on the 2d or 3d of October, and Harding did his best to keep back the kingdom from the Council, and from transferring their obedience from Benedict to Pope Martin the Fifth, who had lately been appointed by the Council of Constance; but it was to no purpose, as the Scottish clergy, preferring a united Church to standing out singly for Benedict, obtained a resolution of Parliament to accede to the Council of Constance and Pope Martin.¹

The fate of King Richard the Second of England became a question during the regency of Albany. Towards the close of the reign of King Robert the Third there was brought to his Court a person said to be King Richard. He had been found wandering in the Western Islands, and was sent to King Robert by the Lord of the Isles, under the belief that he was the late King of England. Although the captive denied the identity, he was

¹ Fordun, a Goodall, vol. ii. p. 451.

detained at Court, and after King Robert's death Albany continued to maintain him. On his death in 1419 he was buried at Stirling, and a monument erected to him as King Richard. Frequent references to this person, as King Richard of England, occur in the Exchequer Rolls, between the years 1408 and 1417, showing that during the Regency he was maintained at Albany's own charges. A memorandum in the account rendered on 22d June 1417, notes that Albany had received no allowance for the expenses of the custody of King Richard of England since the death of King Robert the Third, a period of eleven years. The auditors estimated the cost at 100 merks yearly, and stated the amount due to the Regent as £733, 6s. 8d.¹

While the Scottish Court treated this person as Richard, and his adherents in England raised rebellions in his behalf, King Henry the Fifth dealt with him as an impostor, and the evidence adduced in the course of the discussion which the subject has evoked proves that he was Thomas Warde of Trumpington, a half-witted Englishman, who bore some resemblance to King Richard. The imposition was chiefly maintained by an accomplice, William Serle, once a servant of Richard, who obtained possession of the royal signet, and sealed forged letters in the name of his master. Serle was ultimately taken by the English and put to death.

The friendly relations between England and Scotland were still insecure, and any truces made were little regarded when anything occurred to rouse the spirits of either nation. Henry was again at war with France, and King Charles the Sixth, feeling himself in danger, wrote to Albany to afford him some help against the King of England, in accordance with the treaties between France and Scotland. Before doing so, the Governor assembled the Parliament, and by them it was agreed that the Governor's second son, John Stewart, Earl of Buchan, who was already famous as a soldier, should

¹ Chamberlain Rolls, vol. iii. p. 25.

go to France with seven thousand knights and soldiers. The Scots were cordially received by the French King, and won laurels for themselves in the field, the Earl of Buchan so distinguishing himself by his bravery that he was created Constable of France.¹ On learning that ships had been despatched to Scotland for assistance, Henry wrote to England with instructions that they should be intercepted,² but if any attempt was made to carry out this order it was not successful.

Not long after this the Duke of Albany, worn out by a long life of labour, died at Stirling, being upwards of eighty years of age. He died, says the historian, quietly in his bed, after partaking of the Sacraments, in a sound mind, and in a Christian manner. He was buried in Dunfermline Abbey, between the choir and the Chapel of our Lady, and on his tomb was placed the following epitaph:—

Jura tuens, et pacis amans, et maximus armis,
Robertus primus, dux in Albania summus,
Gratia naturae speculum, quo vera refulcit
Justitia, et quicquid in principe mundus adorat,
Occidit, et pariter decus et pax, Scotia, totus
Excidit, Roberto custode rebus adempto,
Anno milleno quater C. X. que noveno.
Ejusdem flamen cum Christo gaudeat. Amen.³

Bower, the continuator of Fordun, states that the death of the Duke took place on the 3d September 1419, but this is evidently a mistake, as it does not agree with his statement that Albany ruled Scotland for fifteen years. Besides, in the Chamberlain's account rendered at Perth on 28th July 1420, there is evidence of the Duke's being alive at that date,⁴ while in

¹ Fordun, a Goodall, vol. ii. p. 458.

² Rymer's *Fœdera*, vol. ix. p. 791.

³ Fordun, a Goodall, vol. ii. p. 466.

⁴ Chamberlain Rolls, vol. iii. p. 109.

that rendered about a year later he is mentioned as deceased.¹ And in addition to these there is in the Register of the Great Seal a charter by King James the First, dated 29th August, anno 25 (1430), confirming a charter by Robert, Duke of Albany, to William, Lord of Graham, and his wife Mariota Stewart, the Duke's sister, and Robert of Graham his son, of the lands of Aldmonros and others, dated at "Faulkland, quarto die mensis Augusti anno Domini, millesimo quadringentesimo vicesimo, et gubernacionis nostre quinto-decimo"—4th August 1420, and of our government the fifteenth year.²

It will not be amiss to notice here the character given to the Duke by those historians who lived in his time, that it may be placed in contrast with that which is generally attributed to him by later historians. The facts of his life, as related in the preceding pages, will show which view of his character is the correct one.

The prejudices of Pinkerton made him distort almost every act in the life of Albany to his discredit, yet he is obliged to admit that Albany had many good qualities. He says that his person was tall and majestic, his countenance amiable; temperance, affability, eloquence, real generosity, apparent benignity, a degree of cool prudence, bordering upon wisdom, were among his virtues, and it will be seen that this description of them is derived from contemporary historians. The vices with which Pinkerton charges Albany are vouched for by no authority whatever, but derived solely from his own imagination, which from his youth was sometimes too lively.

Tytler, who is generally impartial, has unfortunately been misled by Pinkerton in estimating the character of Albany. The contemporary historians are much more reliable than those of modern times, and we shall hear what they say of Albany.

¹ Chamberlain Rolls, vol. iii. p. 117.

² Registrum Magni Sigilli, Lib. iii. No. 81, ms.

The continuator of Fordun, Walter Bower, Abbot of St. Colme, in Albany's earldom of Fife, from the year 1418, says of him :—He ruled as Governor, after the death of his brother, for fifteen years ; and if perchance it was the case that great crimes committed by the powerful nobles were as if winked at by the Governor, it was owing to his prudently seeking the most fitting season for bringing about a reformation, and not using force where it would not have been successful.¹ He was one of the most patient of men, gentle and kind, affable and communicative, ordinarily sociable, somewhat extravagant, open-handed to strangers, singular above all his compeers. In stature he was tall, and comely in form, with white hair and an amiable countenance ; he was endued with patience and fortitude, with temperance and constant forbearance. Indeed, wisdom had so adorned him as if with the ornament of every virtue, that his speech was always gracious

¹ The crimes to which Bower seems here to refer were probably the frequent assaults made upon the officers of the Crown who collected the revenues, the customars of Edinburgh and Linlithgow being most frequently the victims. The practice, initiated by the Duke of Rothesay when Lieutenant of the King, had been imitated by several of the more powerful nobles and barons, of whom the chief offenders were the Earl of Douglas and his brother James, Walter of Haliburton, William of Borthwick, and George of Dunbar, son of the Earl of March. These at times waylaid the customars, or enticed them into their castles, and refused to release them until they paid down certain sums of money, and at other times they shipped off their goods or removed them from bond without payment of the dues. One of the most flagrant of these assaults was

perpetrated by William of Borthwick, captain of the Castle of Edinburgh, who, in 1419 or 1420, insisted on having his goods shipped, although the Governor had prohibited exportation for the time, and when the officer in charge, Robert of Lorn, had prepared his books for the Exchequer Audit, he sent for him, took his books, and would not restore them ; and in addition to this, besides the fee for the custody of the castle, his servants and those of the Earl of Douglas had taken from the customs no less a sum than £884, 16s. For his care in making a note of what skins William of Borthwick had got shipped during the prohibited time, Robert of Lorn was rewarded by the Governor with a gift of £1, 13s. 4d.—[Exchequer Rolls, vol. iv. pp. 321-323.]

and wholesome, whether in the highest Courts of the realm or in any other. This is valuable testimony as coming from one who wrote in the reign of James the Second, when, as a recent historian remarks, all were at liberty to speak freely of the actions and character of Albany, and time had been given to this writer to investigate and discover the truth.¹

A later history, which does not take a favourable view of Albany's character, yet says very little about him, admits that great fertility reigned in the kingdom under the Duke's Government.²

Wyntoun also, who lived in Scotland during almost the entire period of the Duke of Albany's life, is entitled to be heard. He was Prior of St. Serf's Inch in Lochleven, in the county of Kinross adjoining Fife, and had thus ample opportunities of observing the true character of Albany, which he extolled in the following glowing encomium :—

He wes full brothire to the King,
That last, as ye herd, máid endyng.
He wes a [seimly] fair persown,
And had of wërtewis hie renown ;
He wes fair [and] plesand in youtheid,
Stout and wycht³ in rype manheid ;
In-til his eld in-til Scotland⁴
Mare wys than he wes náne livand ;
He wes of hey and faire stature.
He luyt and honouryt his Creature ;
At Goddis service, and at his Mes,
In all tym rycht deŵote he wes.
He wes a constant Catholike ;
All Lollard he hátyt and heretike.

¹ Tytler's History of Scotland, vol. ii. p. 467.

² Liber Pluscardensis, p. 369.

³ Brave.

⁴ In his age in Scotland.

In chastitè he led his life,
 But all foul lust, be-sid his wife.
 He ete and drank bot sobirly,
 And all tym fed hym-self fairly.
 To Lordis a meroure clene wes he
 Of honoure and of honestè.
 To-giddir had all the pryncis bene
 Of all the world, and he thare sene,
 Of thame all suld ná persown
 Be than he worth mare renown.
 Be wvertuous aporte,¹ fair having
 Resemyl he couth a mychty King ;
 To that báith curtas and cunnand²
 He wes, báth habyl and avenand ;³
 To knychtis and sqwyeris and all gentyle
 He wes famyliare and humyle.
 Ye bischopis, abbotis, and prelatis,
 Throu hym ye joysit wele your státis ;
 In kyrke for-thi at youre alteris
 Ye spend for hym devote prayeris.
 All kyrkmen of laware greis,
 Bowys to God for hym youre kneis ;
 He wes to yow in generale
 Lele, luvand, and rycht speciale.
 Ladys, madynis, and women all,
 This Prynce ye suld your consorte call !
 And specially with your prayeris pure
 Commend hym til his Creature.
 Husbandis [hále] that wynniss the corne,
 He has oft gert you be forborne

¹ Conduct.² Courteous and knowing.³ Able and polite.

Of thá, that lilit or nocht wald pay ;
 It is youre det for hym to pray.
 For the pure commownys he maid defens
 All tym wytth gret diligens ;
 His bed-men thai suld be for-thi,
 And pray for hym rycht hartfully.
 Lele and luvand he wes but let
 Tyl all, that aucht that of det.
 For petè he wald mony spare,
 Set cause requiryt to greve thaim sair.
 The tend persown he wes be get
 In lineale descens frá Sanct Margret :
 Of that rute the kynd flewoure,
 As flouris havand that sawoure,
 He had, and held, and all tym grew,
 Ay burjownand¹ in bowntè new.
 Thare mycht of hym yeit be said mare,
 Gyf I to that of wèrtew ware ;
 Wyth tethe for-thi my toung I steke :
 Of hym enuch I can-noucht speke.
 The froit of hym God grant to be
 Sic, as in his tym wes he !

Thine propire prole hym parify² frá plycht, and frá pyne,
 Thou vertuous, inviolate, and verray Virgyne.³

There existed, in the church of St. Giles at Edinburgh, a pillar which bore the name of the Albany pillar, from having on its capital two shields of arms, one on the south side bearing the arms of the Duke of Albany, and the other on the north those of Archibald, fourth Earl of Douglas.⁴

¹ Sprouting.

³ Wyntoun's Cronykil, vol. ii. pp. 418-421.

² Protect.

⁴ Charters of Church of St. Giles, p. xiii.

Wilson, in his Memorials of Edinburgh, suggests that this is the remaining token of an expiatory offering of a chapel for the murder of the Duke of Rothesay, which he has little doubt was committed by these two nobles.¹ But he might have found a better reason for the Albany and Douglas arms being in the church, in the fact of their being contributors to the reparation of that edifice,² and the custom which obtains, even in the present day, of decorating cathedrals with the armorial bearings of the nobility.

The Duchess Muriella survived the death of her husband, Duke Robert, for a considerable time, and had an annual pension from King James the First of £100.³ She is frequently mentioned in the Chamberlain Accounts from 1426 to 1449, as receiving payments of her pension, and some smaller grants.⁴ She died shortly before Whitsunday 1449.

By his two wives Duke Robert had four sons and six daughters.

1. Murdach, only son of Countess Margaret. He succeeded his father as Duke of Albany, etc., and was eleventh Earl of Menteith.
2. John Stewart, eldest son of Duchess Muriella. He became Lord Chamberlain of Scotland, and was created Earl of Buchan. He married Lady Elizabeth Douglas, daughter of Archibald, fourth Earl of Douglas. Their only child Margaret married George, Lord Seton. As already stated, the Earl of Buchan was, for his bravery in France against the English, created by the French King Constable of France. He was slain on the field of Verneuil, in France, on the 18th August 1424.
3. Andrew Stewart, second son of Duchess Muriella. In the grant of

¹ Memorials, vol. ii. p. 168.

³ Chamberlain Rolls, vol. iii. p. 212.

² Charters of Church of St. Giles, pp. xci, xcii.

⁴ *Ibid.* pp. 182, 219, 235, and Exchequer Rolls, vol. iv. pp. 417, 466, 613, clxxvii, etc.

the earldom of Buchan by Robert, Duke of Albany, to his son John, on 20th September 1406, the destination, in the case of the failure of heirs-male of John, is to Andrew Stewart his brother-german, and the heirs-male of his body ; whom failing, to Robert Stewart his brother-german, and his heirs-male ; the lands of Touchfraser and barony of Obeyn, given to John, Lord of Buchan, by Sir William Keith, Marischal, contained a similar destination.¹ Andrew appears to have died without issue before the year 1413, as in a charter granted in that year to Euphame, Countess of Ross, with a taillie to John, Earl of Buchan, he is omitted, and the destination in failure of heirs-male of John, is to Robert Stewart his brother, etc.²

4. Robert Stewart, youngest son of Duchess Muriella. He accompanied his brother John to France, and is generally stated by historians to have fallen with him in the battle of Verneuil. This, however, is a mistake, as he was alive in 1431, and received in that and the two previous years a pension out of the customs of the burgh of Dundee of £13, 6s. 8d.³

Of the six daughters of Duke Robert, Lady Janet, the eldest, is the only one of whom it can be said with certainty that Countess Margaret was the mother. But the Countess was probably also the mother of several of the others. The names of the daughters are :—

1. Lady Janet, who was contracted in marriage, on 20th July 1372, to David of Loen, eldest son of Sir Bertold of Loen and Lady Philippa Moubray of Barnboughe.⁴

¹ *Registrum Magni Sigilli*, pp. 229, 230.

² Robertson's *Index*, p. 160.

³ *Exchequer Rolls*, vol. iv. pp. 470, 500, 532.

⁴ Vol. ii. of this work, p. 258. See also p. 140 of this volume.

2. Lady Maria, married Sir William Abernethy of Saltoun, and had issue. Two of their sons, William and Patrick, are mentioned in the Chamberlain Accounts as grandsons of the Governor in 1407 and 1414. The latter was dead in 1418.¹
3. Lady Margaret, who married, 1st, after 1390, John Swinton of Swinton, who was killed at Homildon in 1402; and 2d, Robert Stewart of Lorn, to both of whom she had issue. A son by her first husband is mentioned in the Chamberlain Accounts, in 1415 and 1417, as John of Swinton, grandson of the Governor.²
4. Lady Isabel, who married, 1st, Alexander Leslie, Earl of Ross: 2d, Walter Haliburton of Dirleton, to both of whom she had issue.
5. Lady Marjory, who married Sir Duncan Campbell of Lochaw, afterwards Lord Campbell. Their grandson was the first Earl of Argyll.
6. Lady Elizabeth, who married Sir Malcolm Fleming of Cumbernauld, and had issue.³

¹ Exchequer Rolls, vol. iv. pp. 42, 197, 297.

³ Charter 28th June 1413, Diplomata

² *Ibid.* pp. 226, 279.

Scotiae, No. LXII.









SIR MURDACH STEWART, SECOND DUKE OF ALBANY, EARL
OF FIFE AND ELEVENTH EARL OF MENTEITH, 1362—1425.

LADY ISABELLA, COUNTESS OF LENNOX, HIS DUCHESS, 1392—1460.

SIR MURDACH STEWART, the eldest son of Robert Stewart, then Lord of Menteith, and Lady Margaret, Countess of Menteith, was probably born in the year 1362. Owing to the long life of his father, the first Duke of Albany, Sir Murdach did not succeed to the possession of any of the earldoms until he had attained the somewhat advanced age of fifty-eight, and then to enjoy them only for a few years before the headsman's axe parted him from them for ever. During the reign of his uncle, King Robert the Third, he served his country in the honourable office of Justiciar north of the Forth.

He was appointed to that office at a meeting of Parliament held at Holyrood, Edinburgh, on the 2d of April 1389, when the three Estates, taking into consideration the unsettled condition of matters in the country, and that, without a sufficiently powerful following, the duties of that office could not be easily discharged if things continued to be the same as they then were, arranged that his father, the Earl of Fife, should, in the first instance, cause it to be administered, which the Earl promised he would do.¹

Several documents afford evidence of Sir Murdach Stewart's exercise of this office. Under that designation he witnessed a charter by Hugh Fraser, Lord of Kinnell, to Walter of Tulloch, of lands in Forfarshire, which was granted at Inverness on 5th November 1390.² Nearly two years later he

¹ Acts of the Parliaments of Scotland, vol. i. p. 557.

² Appendix to Seventh Report by Historical mss. Commissioners, p. 718.

presided at a justice-ayre held in the Burgh Court of Perth, where John of Logy, who had only recently recovered his lands from the Justiciar's father, Robert, Earl of Fife and Menteith, claimed jurisdiction over two men who had been brought up for trial at Perth. John of Logy showed the royal charters which conferred the rights of jurisdiction upon him, and these having been read in Court, it was agreed to transfer the men to the regality court of Logy. The document which relates this procedure styles Sir Murdach Stewart Lord of Apthane, as well as Justiciar north of the Forth.¹

On the complaint and appeal of William, bishop of Moray, to the Justiciar, from an adverse judgment pronounced against him in the Sheriff-Court of Inverness, Sir Murdach Stewart issued a letter interdicting the Sheriff and bailiffs of that county from putting their judgment (if judgment, he remarks, it ought to be called) in force, and requiring their attendance, as well as that of all the assessors who consented to that decision, at his next justice-court within their bounds, to hear his determination on the matter in form of law. This letter was dated at Perth, 21st October 1398.²

The salary attached to the office of Justiciar was probably mainly dependent on the fees of the courts held, evidently with the understanding that if they did not amount to a stated sum, they were to be supplemented by the Treasury. The notices of payment in the Chamberlain's Accounts are very few, and when they do occur in connection with this office, it is a payment in complement of his annual fee, or as part payment for a certain year,³ so that the full amount of the fee attached to the office is not ascertainable.

In addition to being Justiciar north of the Forth, Sir Murdach Stewart was appointed by King Robert the Third, on 16th July 1390, one of the

¹ Vol. ii. of this work, p. 266.

² *Registrum Moraviense*, p. 210.

³ *Exchequer Rolls*, vol. iii, p. 316.

conservators of a truce between England and Scotland, who were to watch over its observance as well by sea as by land, and towards the Marches. They had power to redress all wrongs done in prejudice of this truce, and also to punish the breakers thereof.¹

When Sir Murdach was about twenty-nine or thirty years of age, his father arranged his marriage with Lady Isabella, eldest daughter of Duncan, Earl of Lennox. Duncan was the last Earl of the race of Lennox, and having no sons, Lady Isabella was the heiress both to the earldom and dignity. Previous to the marriage an indenture was made, on 17th February 1392, at Inchmurrin, in Lochlomond, the island residence of the Earls of Lennox, between Earl Duncan and Robert, Earl of Fife and Menteith, in which the terms of the union were arranged as follows :—

Sir Murdach, son and heir of the Earl of Fife, should have to wife Isabella, the eldest daughter of the Earl of Lennox, and endow her in the barony of Redhall, with its pertinents, in tenandry and domain, and the Earl of Lennox agreed to resign in the King's hands all his earldom of Lennox, with its pertinents, for new infestment to him and the heirs-male of his body ; whom failing, to Sir Murdach and Isabella, and the survivor of them two and their lawful heirs ; whom failing, to the next lawful heirs of the Earl of Lennox, and to purchase the King's consent, and also that of his father Walter, Allan's son, to this new tailzie. It was also arranged that if Earl Duncan had an heir-male born to him, and he should come to man's estate, while the Earl of Fife had a daughter to be married, then Earl Duncan's son, as he would be Earl of Lennox, should marry that daughter of the Earl of Fife ; but if the Earl of Fife had no daughter for the son of the Earl of Lennox to marry, he was to wed a next cousin of the Earl of Fife at his or Sir Murdach's assignation, but without disparagement of the Earl of Lennox

¹ Rymer's *Fœdera*, vol. vii. p. 633.

or his heirs-male. Earl Duncan agreed to pay for the marriage of his daughter Isabella two thousand marks sterling, of which, however, one-half was to be returned in the event of the marriage of the heir-male before mentioned, or of Earl Duncan himself: the Earl of Fife, so long as he was Justiciar of the sheriffdoms of Stirling and Dumbarton, agreed to appoint Earl Duncan his deputy and substitute in as much as pertained to the lordship of the Lennox, and to give him the third part of all his profits from that lordship. Further, the Earl of Fife and Sir Murdach his son were to be faithful helpers and counsellors to the Earl of Lennox in all his causes, while Earl Duncan was to abide by their advice with that of discreet men of his own council. The Earl of Fife was bound to procure the honourable marriage, at his own cost, of one of the other two daughters of the Earl of Lennox, Elizabeth or Margaret, while Earl Duncan and Sir Murdach were to procure the marriage of the other daughter at their cost; and finally, the Earl of Fife or Sir Murdach was to convey as much land as now properly belonged to the Earl of Lennox, heritably to the heirs-male of Sir Murdach and Lady Isabella. All which faithfully to keep and fulfil the said Earls and Sir Murdach made oath upon the Gospels.¹

In terms of this arrangement, the Earl of Lennox, in the same year, resigned his earldom into the hands of King Robert the Third, who, on 8th November 1392, regranted it to the Earl, under the conditions provided for in the indenture.² The other provisions, which were not conditional on the birth of an heir-male to Earl Duncan, were carried out in due course. Lady Isabella's two sisters seem to have been married shortly afterwards, Elizabeth to Sir John Stewart, son of Sir Alexander Stewart of Darnley, and Margaret to Robert Menteith of Rusky.³ By a charter of Robert, Earl

¹ Indenture printed in *The Lennox*, by William Fraser, vol. ii. pp. 43, 44.

² *Ibid.* p. 50.

³ *Ibid.* vol. i. p. li.

of Fife and Menteith, dated at Stirling, 6th March 1401, Earl Duncan was created coronator of the whole earldom of the Lennox, with all the fees and emoluments justly belonging to that office, with power to appoint deputies and servants at his pleasure. The office was to descend to his heirs.¹

Sir Murdach Stewart was one of the knights pensioned by King Robert the Third for the securing of the succession of his sons on the throne. By a charter dated at Perth on 8th February 1393, the King granted to Sir Murdach and his heirs-male, for homage and service and special retinue to his eldest son, David Stewart, Earl of Carrick, and if he should die, to his second son, Sir Robert Stewart, one hundred marks sterling annually, to be paid out of the great custom of Aberdeen. In case of deficiency at any time, the Lord Chamberlain was to pay the balance for that time.² The payment of the pension was regularly made, as appears from the entries in the Chamberlain's accounts.³ The first of these entries is worth quoting, as it certifies that King Robert the Third had a second son other than Prince James, a fact which has not been generally recognised:—

By payment made to Sir Murdach Stewart, the King's nephew, for his homage and service and special retinue, to David, eldest son of the King, Earl of Carrick, to be continued for the whole term of his life, and should it chance the said David to die, to be continued to Robert Stewart, the second son of the King, one hundred marks sterling annually, to be uplifted from the great custom of Aberdeen by the hands of the King's customars there for the time, etc., the said Murdach also acknowledging receipt, £66, 13s. 4d.

Prince Robert Stewart thus referred to had been named after his father; and he must have died soon after 1393, without issue.

¹ Cartularium de Levenax, p. 95.

³ Exchequer Rolls, vol. iii. pp. 326, 360,

² Registrum Magni Sigilli, p. 213.

388, 414, 441, 498, 540, 629.

In one document already referred to, Sir Murdach is designed Lord of Apthane, but his general designation during his father's lifetime was Lord of Kinlevin, and he is so styled in most of the documents issued by him as Justiciar north of the Forth which have come down to us. He is so named in a writ which records his presidency at a court held at Aberdeen in the month of February 1397, upon an inquisition sought by two heirs to a piece of land from which they alleged they had been unjustly kept back, although they were the nearest heirs of the lately deceased owner.¹

Sir Murdach Stewart's career in Scotland, and his occupancy of the important offices above referred to, received a sudden check by his capture at Homildon on 14th September 1402, when the Earl of Douglas was defeated by Percy, and he himself with many other Scottish nobles taken prisoner. The circumstances which led to this engagement, and the battle itself, have already been described in the preceding memoir, and need not be repeated here. The treasonable proceedings of the Earl of Northumberland, and his subsequent defeat at Shrewsbury, with his flight into Scotland, have also been detailed, but Sir Murdach Stewart does not appear to have engaged in Percy's enterprise. Perhaps, as the most important of the Scottish prisoners, he had, after a short sojourn in some of the Northumbrian fortresses, been transferred to the English capital, and consigned to the Tower,² but on a request made by his father to the English King, he seems to have been permitted to remain afterwards at the English Court. An attempt, made by the Duke of Albany about this time, to obtain the liberation of Sir Murdach and the Earl of Douglas, who had been taken prisoner at Shrewsbury, proved of no avail, although King Robert the Third used his influence with Henry the Fourth.³

¹ Antiquities of Aberdeenshire, vol. iii. p. 263.

² Rymer's *Federa*, vol. viii. p. 346.

³ *Ibid.* p. 358.

After Prince James was added to the number of Scottish prisoners in the hands of the King of England, repeated attempts were made to procure the restoration of both him and Sir Murdach, several of which have been referred to in the preceding memoir. In the year 1413, Sir John Stewart, Earl of Buchan, was despatched to arrange his brother's liberation,¹ but was no more successful than his predecessors. In the following year, 1414, another attempt was made by the despatch of Sir Robert Maxwell of Calderwood and Master Robert Lany, provost of St. Andrews, for whom a safe-conduct was granted by King Henry the Fifth on the 8th of May, to continue in force until the 1st of July.² On its receipt the Duke of Albany granted the commission to his two nuncios, of which the following is a translation :—

Robert, son of the King of Scotland, Duke of Albany, Earl of Fife and of Menteith, and Governor of the foresaid kingdom, to all to whose knowledge the present letters shall come, greeting in the Lord. Know your university, that we, fully confiding in the fidelity, circumspection, and industry of our beloved and faithful Robert Maxwelle of Caldardwodde, knight, our cousin, and Master Robert Lanyue, provost of St. Andrews, Licentiate in Decreets, have made, constituted, and ordained, and by these presents do make, constitute, and ordain them, alike of our sure knowledge and deliberate counsel, our ambassadors, commissioners, and special messengers, giving and granting to them our full power and special mandate to treat, agree, and conclude with the most serene Prince, Henry, King of England, or his commissioners whomsoever having sufficient power from him, concerning the liberation of our dearest son, Murdach Stewart, knight, and to do, transact, agree, conclude, and explain all and sundry things which may be necessary or in any way serviceable to the liberation of our son, even if they should require a more special mandate ; promising that we shall perpetually hold valid, concluded, stable, and sure, whatever our said commissioners in the premises, or any of the premises, shall think meet to do. Given under the testimony of our Seal at our

¹ Rymer's *Fœdera*, vol. ix. p. 48.

² *Ibid.* p. 125.

Manor of Falkland, the 26th day of the month of May, in the year of our Lord 1414, and of our government the ninth year.¹

At the same time, a similar safe-conduct was procured for John Porter, squire, one of the retainers of the Duke of Albany, to proceed to where Sir Murdach was for the transaction of some affairs.² King James and Sir Murdach were at this time entertained together at the Court of King Henry the Fifth, and at his expense, the cost of their maintenance, along with some others, being twenty shillings a day.³

This embassy secured no better results than any of the former, but in the following year, 1415, an arrangement was made by which Sir Murdach's freedom was obtained. Since the year 1403, Henry Percy, the grandson of the then Earl of Northumberland, had been an exile, but had found an honourable refuge in Scotland at the Court of King Robert the Third, and after his death at the Court of the Duke of Albany. King Henry the Fourth was now dead, and the young Earl of Northumberland was regarded with less disfavour by his son, King Henry the Fifth, who was not unwilling to see his return and restoration to his important earldom. But when this was moved, the Duke of Albany refused to gratify the King of England so easily, and detained Percy until an arrangement was made whereby he could be exchanged for Sir Murdach Stewart.⁴ On 12th May 1415, King Henry granted safe-conducts to a number of Scotch nobility, Robert Stewart, son and heir of Murdach of Fife; George Dunbar, son and heir of the Earl of March; William Graham, Lord of Graham [Kincardine]; John Stewart, Earl of Buchan; John Stewart, Lord of Innermeath; Robert Maxwell, Lord of Calderwood; and Andrew Hawyll [Hawyek], parson of Lyston. These were to pass to a place called Calfhill, near Berwick, bringing with them Henry

¹ Original in Cottonian Library, British Museum.

² Rymer's *Fœdera*, vol. ix. p. 125.

³ *Ibid.* p. 189.

⁴ *Ibid.* p. 242.

Percy, son and heir of the late Sir Henry Percy, and having delivered him to the commissioners of the King of England, they were to receive Sir Murdach Stewart, and return with him to their own country.¹

In pursuance of this agreement, King Henry issued an order on the 24th of May to the constable of the Tower of London, to deliver Sir Murdach Stewart into the care of two of the King's esquires, John Hull and William Chancellor, who were appointed to conduct him to the Borders.² Instructions were given to them as to their duties at the several stages of their journey. These instructions, along with relative letters to Sir Robert Umfraville, the Sheriff of Newcastle, the keeper of Warkworth Castle, and others, have been preserved. They are written in French, and translations are here given :—

The instruction given to John Hulle and William Chancellor, esquires, appointed by the King, our sovereign Lord, to conduct Morduk of Fife to northern parts, and there to make deliverance of him under certain manner and form as follows :—

First, the said esquires ought to conduct safely the said Morduk to the town of Newcastle-upon-Tyne, and on arriving there they ought to present to the Mayor and Sheriff of the said town the letters of the King, our said sovereign Lord, addressed to them under the privy seal, in order that the said Mayor and Sheriff may be in waiting on the foresaid esquires, to safely conduct and convey the said Morduk to the castle of Werkworthe, and to bring him back if need be at the expense of the King.

Likewise, the said esquires should also deliver other similar letters to the Sheriff of Northumberland, that he may attend them in the same manner.

Again, whenever the said Morduk has come to the above-mentioned castle of Werkworth, the said esquires ought to deliver to the constable of the said castle other letters under the privy seal, directed to the said constable, to receive the said Morduk, and to assign him a competent place within the said castle, where he can be quite honourably and safely kept, until such time as he can be safely conveyed to Berwick,

¹ Rymer's *Fœdera*, vol. ix. p. 244.

² *Ibid.* p. 250.

when the said esquires are assured of the coming of Henry of Percy, grandson to the late Earl of Northumberland, out of Scotland towards the forenamed castle of Berwick.

Also, the said esquires ought to make delivery to the keeper of the castle of Berwick, or his lieutenant there, other letters under the privy seal, directed to him for honourably receiving the aforesaid Morduk of Fyfe into the said castle of Berwick, and assigning him a place within the same castle, where the said Morduk can be honourably and surely guarded.

Also, afterwards, in case that the foresaid Henry has come to Berwick for his own liberation as well as that of the fore-mentioned Morduk, if the said esquires can be loyally informed by Sir Robert Umfraville and Sir John Wytherington, or other notable persons who have good knowledge of the person of this same Henry while he dwelt there, and if the same esquires have security of the said Henry in presence of the said knights or other notable persons, that this same Henry is willing to hold, do, and loyally perform, without fraud or dissimulation, all that the foresaid Robert and John have promised to our said Lord the King on the part of the said Henry, then the said esquires may deliver the said Morduk to those of Scotland who shall come thither to bring there the said Henry, and to receive deliverance of the said Morduk. And upon this the said esquires ought to signify to the said Henry that it is the King's will that he prepare to come to his presence as quickly as possible.

In which case the King our said Lord wills that the said esquires be entirely discharged towards him of the foresaid Morduk and of the said Henry.

Likewise, in case the said Henry be not brought thither as above, as the Scots may not be willing to allow him to be delivered up, then the said esquires can keep the foresaid Morduk there until the first day of July next coming, and for one or two days after if it seem good to them to await the arrival of the said Henry. They shall not suffer any strangers to talk with the said Morduk unless in their presence, or in the presence of one of them.

In case of the non-arrival of this same Henry, the said esquires ought to conduct the said Morduk back to the Tower of London, or elsewhere, at the will of the King.

In testimony of which thing, to this present instruction our said sovereign Lord the King has caused put his Great and Privy Seals, and also his signet. Given at Westminster, the 21st day of May, the third year of the reign of our said sovereign Lord the King.

By the commandment of the King at Westminster, the day and year above mentioned. Present there, the Earl of Dorset.

Indorsed : Instruction concerning the liberation of Mordac, Earl of Fyffe.¹

DEAR AND WELL BELOVED,—Inasmuch as we have ordained and charged our beloved esquires, John Hulle and William Chancellor, to conduct Morduk of Fiffe, our prisoner, to our castle of Werkworth, for certain causes moving us thereto, we will, and straitly command you in express terms, that ye attend on our said esquires safely to convey and conduct the said Morduk to our forenamed castle, and in safely conveying him back again, if need be, according to the information of our foresaid esquires. And this by no means omit, etc. Given, etc.

To our dear and well beloved the Mayor and Sheriff of our town of Newcastle-upon-Tyne.

Similar letters, dated 22d May, were sent to the Sheriff of Northumberland, Sir John Bartram, knight, Sir Walter Fauconberge, knight, Sir John Wodryngtone, knight, and to Robert Harbottell, a squire.

DEAR AND WELL BELOVED,—We straitly command you in express terms that you receive on our behalf Morduk of Fiffe, whom our loved esquires, Johu Hulle and William Chaunceller, at our commandment will conduct to your presence, for certain causes moving us thereto, and assign him any competent place in our castle of Werkworth, where he can be quite honourably and safely kept for the time which our said esquires on our behalf shall declare to you. And this by no means omit, as we rely upon you. Given, etc.

To our dear and well beloved the constable of our castle of Werkworth.²

¹ Original in Cottonian Library, British Museum.

² *Ibid.*

On the part of the King.

BELOVED AND TRUSTY,—As we have ordained and charged our beloved esquires, John Hulle and William Chancellor, to conduct Morduk of Fyf, our prisoner, to our castle of Berwick-upon-Tweed, for certain causes moving us thereto, we will, and straitly command you in express terms, that you attend on our said esquires, safely to convey and conduct the said Morduk out of the castle of Werkworth, as far as our said castle of Berwick, and for safely conveying him back again, if need be, according to the information of our foresaid esquires; understanding we have written in like manner to our dear and trusty knight, John Wydryngtone, on the foresaid business. And this in no wise ye leave undone. Given, etc. [third year of Henry the Fifth, 21st May.]

To our dear and trusty knight, Robert Umfraville.¹

A similar letter was addressed to Sir John Wydryngtone, and an order was also sent to the keeper of the Castle of Berwick, containing instructions for Sir Murdach's honourable confinement similar to those given to the constable of Warkworth.

It was not intended, however, that a pure and simple exchange of persons should be made. The King of England put a ransom of ten thousand pounds upon the head of Sir Murdach Stewart; but instead of exacting the money from the Duke of Albany, he made it a condition of Percy's return that he should pay that sum, leaving him to arrange its recovery from Sir Murdach as he best could. The following instructions to the Earl of Westmoreland disclose this arrangement. They are also in French, but only a translation is here given:—

The Instruction given to Ralph, Earl of Westmoreland, appointed by our Sovereign Lord the King to conduct Morduke of Fyffe, eldest son of the Duke of Albany, from the castle of [Warkworth] to the castle of Berwick, and there to make deliverance of the said Morduke, in form and manner underwritten.

First, the said Earl shall consider by what way, and how soon he can, conduct or send the foresaid Morduke to the said place of Berwick. If it seem expedient to him,

¹ Original in Cottonian Library, British Museum.

the said Earl ought to send letters of the King our Sovereign Lord, addressed to the Mayor and Sheriff of Newcastle-upon-Tyne, to attend on the said Earl, or on those whom he shall send to conduct the said Morduke to the place of Berwick above mentioned.

Likewise, if it seem expedient to the said Earl, he ought to send other letters of the King our Sovereign Lord, addressed respectively to the Sheriff of Northumberland, Sir John Bertram, Sir Walter Fauconberge, Sir John of Wodryngtone, and to Robert Harbotil, esquire, to wait upon the said Earl, or those whom he will appoint to conduct the said Morduke, in the manner as to which the said Earl shall instruct them.

But before the said Earl causes the said Morduke to be sent nearer the said place of Berwick than the castle of Werkworth or the castle of Bamberghe, as shall seem best to the said Earl, he ought to be certified by the Lord of Grey, keeper of the castle and town of Berwick, that Henry of Percy, grandson of the late Earl of Northumberland, has arrived at the said castle of Berwick or its vicinity ; that he is to do and accomplish all that Sir Robert Umfraville, Sir John Wodryngtone, and John Burtone, clerk, have promised to our Lord the King, for and in name of the foresaid Henry of Percy ; and when that same Earl of Westmoreland shall be certified that the said Henry of Percy has thus arrived at the said castle of Berwick or its vicinity, he ought to conduct or send thither the foresaid Morduke, information also being first had by means of the foresaid Sir Robert Umfraville and Sir John Wodryngtone, and other knights and notable esquires who have knowledge of the person of the foresaid Henry of Percy, that he is there personally, in good condition ; and the oath of that Henry of Percy being taken in presence of the said Earl of Westmoreland, if he shall be there, or in the presence of those whom he shall send with the said Morduke, as well as in the presence of the said Lord of Grey, keeper of Berwick, of the foresaid Sirs Robert Umfraville and John of Wodryngtone, and other esquires who shall be there for the time, that the said Henry of Percy will do and entirely fulfil all and whatever the said Robert Umfraville, John Wodryngtone, and John Burton have or any of them has promised to our said Lord the King, for and in name of the said Henry of Percy, and in special, that after the foresaid Morduke of Fyffe shall be delivered at the said place of Berwick, the said Henry of Percy in all haste possible, transport himself to the presence of our said Lord the King, in whatever place he shall be,

[or as soon as the said Henry can come to the presence of the Chancellor of England, that Henry by the judgment of the King's Council shall make him sure of ten thousand pounds for the ransom of the said Morduke, to pay in the manner he prefers; that is to say, that of all the lands, tenements, and other possessions of the said Henry, which he has at present and will have in time to come, our said Lord the King shall have and take two thousand pounds yearly, until the foresaid sum of ten thousand pounds shall be fully paid to him—vacat] and that upon the form and tenor of the said oath, the said Henry of Percy makes under his seal letters testimonial, to which also all the lords and knights who shall be present when the said oath shall be made shall cause put their seals, and such letters in due form, made and sealed and delivered to the said Earl of Westmoreland, or to those whom he shall send with the said Morduke; and besides this, in any place on this side of the water of Tweed within the kingdom of England, recognisance be taken of the said Henry of Percy, for the payment of ten thousand pounds to our Sovereign Lord the King, at the feast of St. Michael next coming, upon condition that if before the 1st day of September next, the said Henry of Percy grant security to our said Lord the King of two thousand pounds of land or of rent within the kingdom of England, to be held by our said Lord the King or his assignees, until to the satisfaction of our said Lord the King ten thousand pounds be raised and fully paid for the ransom of the foresaid Morduke, according to the form and tenor of his schedule hereto annexed, the said Morduke shall be delivered to the foresaid Henry of Percy.

Likewise, if before the 8th day of July the foresaid Earl of Westmoreland be not certified by the foresaid Lord of Grey that the before-named Henry of Percy has arrived at the castle of Berwick, in manner as above, then that Earl ought to conduct the fore-mentioned Morduke back to such place as the King our Lord shall cause to be assigned for the said Morduke's being kept until our said Lord the King as to this shall have ordained otherwise.

In witness, etc., given, etc., the 18th day of June, the third year, etc.

By commandment of the King.¹

Indorsed: 18th June, anno 3, Henry 4, 1402.²

¹ Original in Cottonian Library, British Museum.

² Should be Henry 5, 1415.

Sir Murdach Stewart was despatched to the north in the care of his two guardians, and on the way made his escape, but was recaptured by Ralph Pudsay, who for this service was rewarded by Henry on 25th June with an annual pension for life of twenty pounds from the customs of the port of Kingston-upon-Hull.¹

The exchange of the two prisoners was not carried out on this occasion, and Sir Murdach was probably located in one of the castles in the north of England under the charge of the Earl of Westmoreland, until the resumption of the negotiations in the close of the year, which brought the matter to a successful conclusion. In the interval the two countries were again on the verge of war, but the crisis passed without any formidable conflict. On 9th December, King Henry the Fifth drew up a formal document, embodying the terms on which the exchange was to take place. Of this agreement, which is in Latin, a translation is here given:—

Henry, by the grace of God, King of England and France, and Lord of Ireland, to all and singular who shall see the present letters, greeting in the Lord. As we have recently understood our dearest cousin, Robert, Duke of Albany, and Governor of the kingdom of Scotland, desires Murdach his son, whom as our prisoner we hold in our custody, to be restored safe and sound and free, in return for whose liberation he offers to restore to us our cousin Henry, grandson of the late Earl of Northumberland, whom now for a long time he has detained, as he at present detains him in his power, we, by the tenor of these presents, promise, in good faith and on the word of a king, our full assent to the said liberation and restoration mutually to be made, that if the foresaid Duke of Albany, at a certain day and place to be assigned by our commissioners and those of the said Duke, shall cause the said Henry our cousin to be brought safe and sound, free and discharged from every obligation, article, and cause on account of which . . . might be arrested, or otherwise his restoration to us impeded, or if he shall really restore or cause to be restored the said Henry to us or our commissioners, we, at

¹ Rymer's *Fœdera*, vol. ix. p. 250.

the same day and place, shall cause the foresaid Murdach to be brought, and in like manner shall cause him to be restored to the said Duke his father, or his commissioners, safe, free, and discharged from every obligation, article, and cause on account of which his restoration to him might be hindered, fraud and guile of whatever sort being laid aside. In testimony of which thing we have caused these letters-patent to be made. Given at our Palace of Westminster, the 9th day of December 1415, and of our reign the third year.¹

Indorsed: Instructions as to the liberation of Murdac of Fife, eldest son of the Duke of Albany, and the restoration of Henry Percy by way of exchange.

No mention is made in this document of the money ransom demanded by the English King and Parliament for the release of Sir Murdach, but it is referred to in the private instructions given on the following day to those intrusted with the negotiation of the business. These instructions are written in French. A translation is here given:—

Instruction given to Sir Ralph de Yuer, Sir William [Clayton?], Master John Hunteindun, doctor in theology and Dean of Lancaster, and Master Richard Holme, Licentiate in Laws, Canon of York, to them four, three or two of them, commissioners and deputies of the King our Sovereign Lord, to commune, treat, and agree with certain ambassadors and messengers of Robert, Duke of Albany, Governor of Scotland, of and upon the liberation and exchange of Morduke of Fiff, eldest son of the said Duke, being at present in the ward of the King our said Lord, as a safe prisoner, and of Henry of Percy, grandson to the late Earl of Northumberland, now in the ward of the said Duke.

First, the said commissioners of the King ought to induce the ambassadors of the said Duke, and arrange and accord with them, if they can, and by mutual agreement among them, to fix that on a certain day before the fifteenth of March next, the said Duke of Albany shall send the foresaid Henry of Percy to the town of Carlisle, and if the said ambassadors are willing to agree to this, then ought the said commissioners to arrange and agree with them that the King our said Lord shall send the foresaid

¹ Original in Cottonian Library, British Museum.

Morduke to the said place of Carlisle, to be there delivered by way of exchange for the foresaid Henry ; and to accomplish such arrangement and agreement, the said Earl of Westmoreland shall send the foresaid Morduke by his son, John of Neville, Warden of the West Marches.

And in case the ambassadors of the said Duke are unwilling to agree that the foresaid Henry should be thus sent to the said place of Carlisle, unless other surety be given for the deliverance of the said Morduke, then ought the said commissioners to arrange and agree that the King our said Lord (his letters under his Great Seal, of the tenor as follows :—Henry, etc., having been seen) shall cause them to be sent to the Earl of March of Scotland, or other Earl or person of rank of Scotland, who shall be appointed to have the charge until the foresaid exchange be effected.

And if the ambassadors of the said Duke are altogether unwilling to agree that the foresaid Henry should be thus sent to the said place of Carlisle, then ought the said commissioners of the King to arrange and agree that the said letters of the King shall be sent to the said Earl of March, or other Earl or person of rank of Scotland, to keep them as above ; and in case the said ambassadors themselves wish to arrange and agree that the said Duke, on a day to be fixed, shall send as above the foresaid Henry into the castle of Berwick, there to be restored to the said commissioners by way of exchange for the said Morduke, the said commissioners ought in this case likewise to yield ; and if such arrangement is adopted, then the foresaid Earl of Westmoreland ought to send the foresaid Morduke to the town of Newcastle-upon-Tyne, and deliver him there to the Lord of Grey, Warden of the East Marches, in order that the said Morduke may be conducted to the foresaid place of Berwick, to be there exchanged in manner as above.

In testimony, etc. Given, etc., the 10th day of December, the third year, etc. [Henry 5].

Instruction, etc., given to the above mentioned.

First, although the King our Lord caused to be made, the day of the making of these, another instruction to his said commissioners, containing three articles concerning the foresaid liberation and interchange in one of the three ways, yet our said Lord the King wills that if the said commissioners cannot induce the ambassadors of the said Duke to agree to any of these three ways, the said commissioners ought to agree and

arrange with the said ambassadors that, on a day before the fifteenth day of March, to be fixed between them by mutual consent, our said Lord the King shall cause the foresaid Morduke to be sent, accompanied by two thousand horsemen, or other greater number, to the town of Berwick or other place upon the Marches of Scotland, which shall be assigned and agreed upon by the said commissioners and ambassadors, to be there delivered up to the said Duke or his commissioners and deputies, by way of exchange for the said Henry. Moreover, that the said ambassadors shall arrange and agree with the said commissioners that the foresaid Duke shall similarly send the foresaid Henry to be restored to our said Lord the King or to his commissioners; and in this case the said Earl ought to deliver the said Morduke, in the town of Newcastle-upon-Tyne, to the Lord of Grey, Warden of the East Marches, who ought to accompany Ralph, son of the said Earl, and the Lord of Clifford, to conduct the said Morduke to the place where the exchange is to be made.

Further, before the said commissioners cause such arrangement to be closed, they ought to receive, by some messenger from the said Henry, an obligation written in his own hand, for twenty thousand marks, by which he will be bound to pay the said sum to our said Lord the King on the sixteenth day of March next, in case that before that day, in any place on this side the Water of Tweed within the kingdom of England, the said Henry does not make, in presence of any person having power to receive this recognisance of ten thousand pounds, to be paid to our said Lord the King the 1st day of April next, upon condition that if before the said first day the said Henry make security to our said Lord the King of two thousand pounds¹ . . . [The remainder is wanting.]

On the 11th December King Henry granted his commission to the four persons named in the foregoing instructions, and at the same time empowered Richard, Lord of Grey, Warden of the East Marches, and John Neville, Warden of the West Marches, to facilitate the exchange by granting the necessary safe-conducts to both parties.²

The release of Sir Murdach probably took place shortly after this date, but there is no information as to how it was effected. About a year afterwards,

¹ Original in Cottonian Library, British Museum.

² *Rotuli Scotiæ*, vol. ii. p. 215.

on 24th November 1416, the Wardens of the Marches were again instructed to furnish safe-conducts to certain persons coming from Scotland with the redemption money of Sir Murdach,¹ but the amount is not stated. It is probable that a portion of the ten thousand pounds was meant to reimburse the King of England for the expenses of Sir Murdach's maintenance while with him, and also that a considerable sum would be deducted by Henry Percy, now Earl of Northumberland, on account of his long sojourn at the Scottish Court.

After his return to Scotland, Sir Murdach Stewart assisted his father in the government of the country, as Albany, now between seventy and eighty years of age, to lighten his own labours, appointed him his lieutenant. In that capacity he was present with his father at Dunfermline on 23d March 1420, at the receiving of William of Maisterston as a vassal of the monastery of Dunfermline.²

Sir Murdach seems also from an early period to have occasionally transacted business on the family estates, granting and confirming charters of lands as the son and heir-apparent of his father. An instance of this occurs in his confirmation of a charter granted by his father to Sir Robert Stewart of Schanbothy, of the lands of Craggy Gerpot and others, in Leuchars in Fifeshire. The charter begins thus :—

Omnibus hanc cartam visuris uel auditoris, Murdacus Senescalli, primogenitus et heres inditissimi et potentissimi viri, domini Roberti Senescalli, Comitis de Fyff et de Meneteth, eternam in Domino salutem : Sciatis nos vidisse, audiuisse, ac maturo et diligenti intellectu concessisse quandam cartam dicti domini genitoris nostri, formam que sequitur continentem :

Omnibus hanc cartam visuris vel auditoris, Robertus Senescalli, comes de Fyff et de Meneteth, salutem, etc.

Quamquidem cartam, donationemque et concessionem de terris de Craggy, Gerpot

¹ Rotuli Scotiæ, vol. ii, p. 218.

² Registrum de Dunfermelyn, p. 282.

cum molendino, et de tercia parte terrarum de Culbaky, Fordale et Struben, cum pertinentiis, in ipsa carta contentis, necnon omnes et singulas ipsas terras, cum pertinentiis dicto domino Roberto, tenendas et habendas, sibi et heredibus suis, adeo libere, quiete, plene, pacifice et honorifice, in omnibus punctis, articulis, conditionibus, forma pariter et effectu prout ipsa carta continet et proportat, nos pro nobis et heredibus nostris volumus, concedimus ac presenti carta nostra dicto domino Roberto Senescalli et heredibus suis imperpetuum confirmamus. In cuius rei testimonium sigillum nostrum presenti carte nostre confirmatorie est appensum, his testibus, nobilibus viris, dominis Patricio de Grahame, domino de Kyncardyn, Willelmo de Grahame, eius primogenito et herede, Bernardo de Havdein, militibus, consanguineis nostris, domino Gilberto decano Dunblanensi et Johanne Rollok, clericis dicti domini genitoris nostri, ac multis aliis.¹

On the death of his father, Sir Murdach Stewart became Duke of Albany and Earl of Fife and Menteith. He also succeeded to the office of Governor of Scotland. It has been said that he assumed this office as if to carry on the alleged usurpation of the government by his father; but there is no ground for the assertion, and the evidence is all the other way. It is far more probable that he was placed in it by Parliament, although no record of a meeting of that body remains, a fact applicable to too many of the parliaments of this date to be a conclusive proof that none was held.² A charter granted by Duke Murdach on 26th October 1421, bearing that it was made in the first year of his government, shows that he was not Governor previous to 26th October 1420.³ But he was Governor on 16th November 1420, as he then

¹ History of the Carnegies, Earls of Southesk, by William Fraser, Edinburgh, vol. ii. p. 508.

² Evidence is so far afforded of such a meeting of Parliament towards the close of the year 1420 by entries in the Treasury Accounts for the year between 28th July 1420 and 24th July 1421, of payments for the expenses of Sir

Dougal, the King's chaplain, serving in his presence in England by command of the present Lord Governor and ordinance of Parliament. He seems to have received in all £21, made up by the four burghs of Dundee (£6), Montrose (£4), Perth (£5), and Aberdeen (£6). —[Exchequer Rolls, vol. iv. pp. 339, 346.]

³ Original in Douglas Charter-chest.

made an indenture with Sir Alexander Stewart, Earl of Mar, in which the Duke is styled Governor of Scotland.¹ His appointment must, therefore, have taken place about the beginning of November 1420, almost two months after his father's death, which would leave sufficient time for the assembling of a Parliament to choose him as successor to the late Regent. Besides, it is not to be expected that the nobles of Scotland would connive at any such usurpation, and they must have done so, if such there was, when they accepted charters of confirmation from his hands as Governor. But in all their transactions they jealously guarded the rights and privileges of King James, and the Governor as much as any. King James himself repeatedly confirmed charters which had been granted by both the Governors during his captivity, which of itself shows that there had been no usurpation by either. It may therefore be concluded that Duke Murdach was duly elected successor in the office of Governor of the realm, after the three Estates had anew declared their allegiance to King James, their rightful sovereign, who was still detained in England against his own and their will, and that his exercise of the office was perfectly legitimate. King James at this time, however, was in France with the King of England, for Sir William Douglas of Drumlanrig obtained a safe-conduct to proceed to him there, in the month of September 1420,² and by him he would probably be informed of what had taken place.

Duke Murdach, by the death of his father, also became keeper of Stirling Castle, an office granted to Duke Robert for himself and his heirs, and for this received the annual fee of £133, 6s. 8d.³ He was likewise heir to the hereditary pension obtained by his father from the lands of the Abthanery of Dull, amounting to £136 yearly, and to his father's pension of two hundred marks, for homage and service, and special retinue to David, Duke of Rothesay, which, with his own pension of one hundred marks for a similar

¹ Page 261, *postea*. ² Rymer's *Fœdera*, vol. x. p. 19. ³ Chamberlain Rolls, vol. iii. p. 117.

service and retinue, increased his annual pension for this to three hundred marks. In addition to these payments, he had £1000 as fee for the office of Governor; and in the account rendered by the Exchequer Auditors on 24th July 1421, a surplus of £458, 7s. 3d. is paid Duke Murdach on account of expenses incurred in previous years, while the Lords Auditors admit as further due to him the large sum of £3152, 15s. 8½d.¹

Very little has hitherto been known of the history of Murdach, Duke of Albany, especially during his period of governorship. It will, therefore, be interesting to note any documents or records which throw light upon the exercise of his office. The opinion of the contemporary historian, Bower, is that he was far too remiss in the management of affairs, and also in the control of his sons, who, he adds, were exceedingly insolent, and often acted in violation of the laws.²

Shortly after his elevation to the office of Governor of Scotland, Duke Murdach, on the 16th of November 1420, at Perth, entered into an agreement with Sir Alexander Stewart, Earl of Mar and Garioch, whereby the latter and his son, Sir Thomas Stewart, swore special fealty and retinue to the Duke during the remainder of his life, their allegiance to their Lord the King only excepted. The Governor thereby granted to the Earl of Mar half the profits of the justiciaries of Aberdeen, Banff, and Inverness, with certain exceptions, while the Earl was to secure that the justice-courts should be held to the honour of the Governor and profit of both; the Governor also promised to confirm the infestment of the lands of Mar and Garioch, which the Earl of Mar was preparing for his son Sir Thomas, provided that the Earl of Mar showed a confirmation of our Lord the King to our Lord the Governor, given to him and his heirs and assignees, of the lands of Mar and Garioch foresaid. Another part of the agreement was that the Governor should be

¹ Chamberlain Rolls, vol. iii. p. 118.

² Fordun, a Goodall, vol. ii. p. 467.

“steadhaldand” to the Earl of Mar, and should give him assistance in the same manner as the late Governor; and that he would not permit his eldest son, Sir Walter Stewart, to marry the daughter of Sir Robert Erskine without obtaining the Earl of Mar’s consent. The instrument is somewhat important, and may be here given in full:—

This indenture, made at Perth the xvi day of the mounth of November, in the yeir of our Lord a thousand four hundereth and twentie, betwix [ane] excellent and mightie prince, Murtheu, Dvck of Albaney, Earll of Fife and Menteith and Governour of Scotland, on the ane pairt, and a vorschipful Lord, Schir Alexander Stewart, Earll of Marr and Garviach, on the tothir pairt, contenis and beris vitnes that it is fullelie accordit betwix thame, in forme and maner as efter sal follow, and that is to say, that the forsaid Earll of Mar is becum man of sp[eciale feale] and reteneu till the forsaid Dvck of Albaney, Governour of Scotland, for all the terme of his lyffe, befor and aganis all uthiris deidlyk personis, his alleagence aucht till our Lord the King allenerlie outane, and he salle giffe his letter therupone till our forsaid Lord the Governour in deu forme under his seille, for certane gude dedis done till him be our said Lord the Governour. Alsua it is accordit that our said Lord the Governour sall gife to his darrest cousin forsaid, the Earll of Mar, the [tane] halfe of the profittis of the justry of Aberdeine, Bamffe, and Inuernesse, and als oft as thay be haldane, outtane the cornis and victualis of men and horse in the halding of the said ayeris, and the said Earll of Mar sall doe all his bisness and diligence till bring justris till the honour and profit of the said Lord the Governour for beath ther profit. Alsua our Lord the Governour sall gif hes letteris patentis till the said Earll of Mar of power to be steadhaldand till him, efter the tenor of the letters, the quhilks the said Earl hede of umquhilum our Lord the Governour, whom God assoyle. Alsua the forsaid Lord the Governour is assentit and sall gife his confirmatione till his cusin, Schir Thomas Stewart, upon the infeftment that the said Earll of Mar makis till the said Schir Thomas hes sone apone the landis of Mar and Garveach, if it sa beies that the said Earll of Mar shaues a confirmatione of our Lord the King till our Lord the Governour, givin till him and hes heiris and assignais apone the landis of Mar and Garviach forsaid; for the quhilk confirmatione

til be gevin til the said Schir Thomas throch our Lord the Governour that now is, and for uther gude dedis done of befortyme till the said Schir Thomas throch our said Lord the Governour, the said Schir Thomas is becum mane till our said Lord the Governour of sp[ecial feale] and retenen for all the tyme of his lyffe befor and agains all uther deidlyk persouis, hes alleageance aught til our Lord the King allanerlie outane, and tharupon sall gife his letters of reteneue in duc forme til our Lord the Governour. Alsua it is accordit that our Lord the Governour sall giff hes lettres, baunde, and seille till his forsaid cusin, the Earll of Mar, of mantinance, helpe, and suppleie, in [deu] forme and in effect as quhilum our Lord the Governour hes fader did [of] befortyme, bot fraude or gyle. Alsua it is accordit betwix the forsaid Lord the Governour and hes darrest cusin the Earll of Mar, that sen Valter Steuart, the sone and ayire appirand of our forsaid Lord the Governour, is oblisched till the forsaid Lord his fader that he sall not tak in mariage the dochter of Schir Robert Erskeine vithout the consent of hes forsaid Lord and fader, our forsaid Lord the Governour is oblischeid and oblischis him be this indenture till hes said cusin the Earll of Mar, that he sall nocht gife hes consent till the fulfillan of the said mariage, vithout vittining and consent of the said Earll of Mar. And alsua it is accordit that our said Lord the Governour hes gevin to hes forsaid cusin the Earll of Mar, the profitis cumand of the landis of Badenach, Urquart, and Strathowne, ay till the tyme that thay may be sett to profit, and fra thensfurth our forsaid Lord till hane the tane halfe of the profit cumand of the saidis landis, and the forsaid Erl his cusin the tother halffe of the profit of the [saidis] landis endurand the tyme of the said Earllis lyve. And alsua the said Earll is oblischit and oblissis him be this indenture, that he sal doe al his gudlie bisnes and diligens to bring and sett the saidis landis of Badenacht, Urquart, and Strathowen, vith the pertinentis, till the maist profit that he may, and vithin als schort tyme as he may, bot fraud or gyle. In the vitnising of the quhilkis thingis, leillie and trewlie for to be keipit, bot fraud and gyle, the seillis of the forsaid Lord the Governour, and of the forsaid Earll of Mar hes cusin to thir indenturis interchangabillie ar to put, the day, yeir, and place forsaidis.¹

As the permanent restoration of King James to his kingdom and crown

¹ Antiquities of Aberdeenshire, vol. iv. p. 181.

seemed still far from being accomplished, an attempt was made in this year, 1421, to procure his temporary release, to enable him to pay a visit to Scotland. The documents which reveal the transaction do not inform us that it was in the least a national concern, but lead us to infer that it was a private endeavour on the part of the Earl of Douglas. The incident as gathered from the documents stands thus:—

Archibald, Earl of Douglas, in the beginning of the year 1421, proceeded to London and had an interview with King James, to whom he proposed that if he wished to pay a visit to Scotland, he would offer his services to the King of England in return for his permission. He prevailed upon King James to consent to this proposal, and also to give him his authority for the transaction, whereupon the Earl of Douglas entered into an engagement with King Henry the Fifth, on 30th May 1421, at London, to assist him against all his enemies, his Lord King James and his successors alone excepted, as long as he lived, with two hundred knights and esquires, and two hundred mounted archers, all sufficiently provided for war, wherever the King of England wished, either by land or sea.¹

This agreement was followed the day after by the preparation of another between the two kings, by which King James was to be granted three months to go to Scotland and return again, on condition of no less than twenty persons, and some of these the most influential in Scotland, consenting to remain as hostages for him. These were—Walter Stewart Earl of Athole, Walter Stewart eldest son and heir of Duke Murdach the Governor, Thomas Earl of Moray, William Earl of Angus, Alexander Earl of Crawford, and William Earl of Orkney; also the following bishops—Henry bishop of St. Andrews, William bishop of Glasgow, Robert bishop of Dunkeld, and Henry bishop of Moray; and in addition to these, James Douglas second

¹ Rymer's *Fœdera*, vol. x. p. 123.

son of the Earl of Douglas, Robert Lord of Erskine, William Hay Lord of Errol Constable of Scotland, Robert Stewart Lord of Lorn, James Sandilands Lord of Caldor, Malcolm Fleming Lord of Biggar and of the Leynze, James Hamilton Lord of Cadzow, Thomas Boyd Lord of Kilmornow, Robert Keith Mareschal of Scotland, and William Borthwick Lord of Borthwick.¹ It is hardly surprising, in view of depriving Scotland of so many of her foremost statesmen, including the Chancellor, Constable, and Mareschal, that this agreement was not carried out, and that King James still remained in England. In the close of this year, on 4th December 1421, a safe-conduct was granted for the conveyance of some horses from Scotland into England for King James's use.²

On the 4th of January 1422 the Governor was at Lindores, where, on that date, he confirmed a charter of sale and alienation, granted by William, son of John, to Patrick Ogilvy of Grandoun, son and heir of Alexander Ogilvy of Velterhous, Sheriff of Forfar, of the fourth part of all the lands of Inchedrewir, Culpoty, and Culbrynny, in Banffshire, to be held of the King and his successors. From Lindores the Governor went to Stirling, where, on the 7th, he granted a precept for a charter of regrant under the great seal to William, Lord of Graham, and on the following day the charter was granted under the Governor's great seal of office.³ On the 21st he granted another charter of regrant, also at Stirling, to James of Dunbar, of the lands of Fren draught and others, which James Dunbar had resigned in the Governor's hands.⁴ In these charters he is particularly careful of King James's rights.

At Stirling, on 30th November 1422, Duke Murdach granted a charter to John Ker, burgess of Lanark, of the lands called Wafralandis, and it is

¹ Rymer's *Fœdera*, vol. x. p. 125.

² *Ibid.* p. 158.

³ Appendix to Third Report by the Commissioners on Historical mss., p. 398.

⁴ *Antiquities of Aberdeenshire*, vol. iii. p. 587.

impossible not to see in some of the clauses of this charter, as in all the rest, the entire absence of any spirit of usurpation in the Governor. The reddendo clause is as follows :—

Faciendo domino nostro regi et heredibus suis dictus Johannes et heredes sui pro dictis terris cum pertinenciis pisturam Wafrarum dieti domini nostri regis quociens ipsum dominum regem apud Lanark contigerit residere ;

i.e. the said John and his heirs, for the said lands with pertinents, to perform for our Lord the King and his heirs the baking of our Lord the King's wafers as often as he shall happen to reside at Lanark. The witnesses' names are William bishop of Glasgow, Chancellor of Scotland, Alexander Stewart of Kinlevin the Regent's son, Archibald of Cunningham Sheriff of Stirling, Alan of Otterburn Secretary to the Regent, and others.¹

In a precept of sasine granted by the Duke while at his castle of Falkland, on 28th August 1423, for the infestment of Henry of Ramsay, son and heir of Alexander of Ramsay of Colluthy, in the lands of Leuchars, there occur the names of the following witnesses :—Alexander Stewart, our beloved son, James of Douglas of Balveny, our beloved brother, John de Corntoune, rector of the church of Eglishame, John of Lumsden, our Sheriff of Fife, John of Wright, our Constable of Falkland, and Alan of Otterburn, our Secretary.²

Another charter granted by the Duke at Perth, on the 16th October of

¹ Appendix to Fifth Report of Historical MSS. Commissioners, p. 633.

² History of the Carnegies, Earls of Southesk, by William Fraser, Edinburgh, vol. ii. p. 510. John Wright was Constable of Falkland when the Duke of Rothesay died there, and was accused of being concerned in his death. But the fact that he continued to hold his office of Constable of Falkland for

upwards of twenty years afterwards, affords evidence that he was innocent of the crime popularly laid to his charge. In 1412 and succeeding years he was one of the customars of Kinghorn, a small trading port on the Fifeshire coast, and he also had a son who, between May and November 1413, was appointed Master of the Hospital of St. Laurence, near Haddington.—[Exchequer Rolls, vol. iv. pp. 134, 182, 198, etc.]

this same year, 1423, marks more strongly still the absence of jealousies as to the rule of the Regent Murdach. This charter was granted to the Governor's "beloved cousin, Sir Alexander Forbes, and his dearest cousin, Elizabeth of Douglas,¹ whom by the grace of God Sir Alexander had married," and was a regrant of the barony of Forbes, which Sir Alexander had resigned in the hands of the Governor. Sir Alexander Forbes was a close friend of King James the First, and paid repeated visits to him while in England, on one occasion to accompany him to France.² Yet he resigned his lands into the Governor's hands, and accepted a regrant of them, to be held of the King and his heirs; and the witnesses were, Henry bishop of St. Andrews, Robert bishop of Dunkeld, William bishop of Dunblane, the Governor's uncle, Walter Earl of Athole and Caithness, his dearest brother, John, Constable of France Earl of Buchan and Chamberlain of Scotland, his dearest cousin, Alexander Earl of Mar and Garioch, Alexander Stewart his beloved son and Alan of Otterburn his secretary.³

By this time the negotiations which were to issue in the final deliverance of King James the First from his English imprisonment had been initiated, and matters had assumed an aspect which betokened a greater amount of success than formerly. King Henry the Fifth of England was dead; his infant son had been crowned as King Henry the Sixth, and the kingdom of England placed under the regency of Humphrey, Duke of Gloucester.⁴ King James, too, had made friends willing to expedite his release, by wooing and winning for his future queen a lady of the royal family of England, distinguished alike for beauty and accomplishments—Joanna Beaufort, daughter of John, Earl of Somerset.

¹ Elizabeth Douglas was the sister of William, Earl of Angus.—[Antiquities of Aberdeenshire, vol. iv. p. 388.]

² Antiquities of Aberdeenshire, vol. iv. p. 386.

³ *Ibid.* p. 387.

⁴ Rymer's *Fœdera*, vol. x. p. 268.

The English Court now encouraged King James to the carrying on of negotiations for his release, and on 12th May 1423, at his request, granted a safe-conduct for a number of Scotch magnates to come into England about it.¹ He was presented on 21st May with a hundred pounds out of the English Treasury for his private expenses,² and about six weeks later, on 30th June, the Treasury was ordered to defray all his expenses during his absence from the King's palace, as well as of all his attendants.³ The English were the foremost in appointing their commissioners to carry through the negotiations, their instructions being dated 6th July, while the commission for the Scottish ambassadors was only granted by Duke Murdach on the 19th of August. The Scottish commissioners were William bishop of Glasgow Chancellor of Scotland, George Earl of March, James Douglas of Balveny the Regent's brother-in-law, the Abbots of the Monasteries of Cambuskenneth and Balmerino, Sir Patrick Dunbar of Bele, Sir Robert Lawder of Edrington, Master George Borthwick Archdeacon of Glasgow, and Master Patrick Houston, Licentiate in Laws, Canon of Glasgow and Secretary to the Governor. Those on the English side were Thomas bishop of Durham, Philip bishop of Wygorn, Henry Earl of Northumberland, Ralph Earl of Westmoreland, Sir Richard Nevill Warden of the West Marches, Sir Ralph Cromwell, Sir Thomas Chaworth, Master John Wodham, Archdeacon of the Estrithing, and Robert Waterton, Esquire.

Several of the commissioners met at York in the month of September, and arranged the amount of money to be paid to the English Government in respect of King James's expenses while in England. Nothing was asked in respect of ransom, and the English Government was prepared to have accepted a lower sum than that agreed to by the Scots. In their instructions the English commissioners, were directed to give the Scottish

¹ Rymer's *Fœdera*, vol. x. p. 286.

² *Ibid.* p. 290.

³ *Ibid.* p. 293.

commissioners the opportunity of stating a sum which would cover the King's expenses; if they were unwilling to do that, forty thousand pounds were to be sought, and if the Scots hesitated to give so large a sum, they were empowered, after negotiations, to reduce it to thirty-six thousand pounds, being two thousand pounds for each of the eighteen years during which King James had been detained by the English.¹ The sum, however, was fixed at forty thousand pounds, to be paid at London by instalments of ten thousand merks every six months. The Scottish commissioners also expressed themselves well satisfied with the proposed marriage of King James.

To allow the King time to obtain among his kindred and subjects hostages of sufficient standing to insure the payment of the money, negotiations were postponed until the 1st of March following. In the meanwhile, however, the commissioners met again at London, early in December, and drew up the terms of the Instrument of Release. By the month of March the arrangements were completed. A truce of seven years was agreed to,² King James was to obtain his freedom and bring to Scotland as his queen the lady previously mentioned, who was a grand-daughter of John of Gaunt, Duke of Lancaster, and whose mother was Lady Katherine, niece of the late King Richard the Second of England.³ On account of his marriage with this lady, King James received, as if for her dowry, a remission of ten thousand marks from the sum of sixty thousand due to the English Treasury.⁴ For the payment of the remaining fifty thousand marks, the four principal burghs of Scotland—Edinburgh, Perth, Dundee, and Aberdeen—each became responsible,⁵ in addition to about thirty of the Scottish magnates.⁶

To the four burghs King James granted his obligation to relieve them

¹ Rymer's *Fœdera*, vol. x. p. 295.

² *Ibid.* p. 328.

³ Fordun, a Goodall, vol. ii. p. 474.

⁴ Rymer's *Fœdera*, vol. x. p. 322.

⁵ *Ibid.* p. 324.

⁶ *Ibid.* p. 327.

of the sum for the payment of which they had become bound.¹ This he did while at Durham awaiting the concluding of the arrangements. On the 28th March a commission was issued at Durham, which appointed the Earl of Northumberland and others to escort King James with all possible honour from that city out of the kingdom,² and he left it, accompanied by over three hundred of the Scottish nobility, who had previously obtained safe-conducts from the English Government to come to Durham for that purpose.³

King James is said to have proceeded directly to Edinburgh, with a short delay at Melrose on the 5th of April, for the confirmation of the arrangements made with England about his release. His first act on arriving at the capital seems to have been to arrest Sir Walter Stewart, eldest surviving son of Duke Murdach, with Malcolm Fleming of Cumbernauld, and Thomas Boyd younger of Kilmarnock. They were taken on the 13th May within the Castle of Edinburgh, and Sir Walter Stewart was sent in strict custody to the Bass, Malcolm Fleming, first to Dalkeith and then to St. Andrews, but Thomas Boyd was set at liberty.⁴ No reason is given for their arrest. Shortly afterwards, on the 21st May, the King and Queen were crowned at Scone, in the midst of the bishops, prelates, and nobles of Scotland, by Henry Wardlaw, Bishop of St. Andrews, while Duke Murdach, as first in rank among the nobles, as well as by virtue of the ancient privilege of the Earls of Fife, placed the King in his regal chair.⁵ On this occasion, along with a number of others, Alexander

¹ National mss. of Scotland, vol. ii. No. 67.

² Rymer's *Fœdera*, vol. x. p. 332.

³ *Ibid.* p. 309.

⁴ Fordun, a Goodall, vol. ii. p. 481. Sir Walter Stewart was placed in charge of Sir Robert of Lawder of the Bass, who, with John

Hering, Constable of the Castle there, received several allowances from the customars of Haddington and North Berwick towards the expenses of their prisoner.—[Exchequer Rolls, vol. iv. pp. 380, 386.]

⁵ Fordun, a Goodall, vol. ii. p. 474.

Stewart, a younger son of Duke Murdach, received the honour of knight-hood from the King.¹

A few days after his coronation, King James assembled his first Parliament at Perth, and before it was dissolved the people of Scotland discovered that although they had welcomed their sovereign's return, it was to cost them dear. The noblest families in Scotland had sacrificed much to procure his release, and by the imposition of a system of taxation hitherto unknown in Scotland, the common people were to be impoverished. The first year the Auditors of Exchequer received and delivered to the King nearly fourteen thousand marks, but the second year produced a sum so much less, that the King abstained from burdening the people with taxes until the year 1433, when, on account of some heavy expenses of an embassy to France for arranging the marriage of his daughter with the Dauphin [afterwards Louis XI.], he imposed a tax of twopence in the pound universally throughout the kingdom. At this renewal of the grievance the commons complained against the King, which coming to his ears, he ordered the collectors to desist, and to restore to every one the amount which had been uplifted from him.²

In this first Parliament of King James, an Act was passed "anent the lands and rents which belonged in former times to the King's predecessors," in which instructions were given to all the King's sheriffs to make inquiry, by their best and worthiest bailies, as to what lands, possessions, or annual-rents pertained in former times to the King, or to his predecessors, Kings David the Second, Robert the Second, and Robert the Third, and in whose hands they now lay. Of these inquiries, the sheriffs were to furnish retours under their seals, and by the same Act the King was empowered to summon any of his tenants to show their charters and evidents.³

¹ Fordun, a Goodall, vol. ii. p. 482.

² *Ibid.*

³ Acts of the Parliaments of Scotland, vol. ii. p. 4.

It would appear from the making of this Act, that the crown lands and rents had to a large extent passed into the hands of others, but who had obtained possession of them it is not easy to discover. The Dukes of Albany do not seem to have enriched themselves with them, nor yet to have bestowed them upon others, but to them the King naturally looked for the preservation of them. It was just that when the King discovered the state of matters, he should take steps to recover his own, and the passing of this Act was perfectly legal. But King James's temper seems to have been overstrained and broken by his long and weary captivity, and he had not patience to pursue a mild policy with his nobility, by which he might have accomplished his end quite as effectually, and prolonged his own life. The King made many good laws, and did much to improve the condition of his kingdom in a social aspect, but he assumed the position of a tyrant to the nobility of Scotland; his measures towards them were harsh and unjust; and had their loyalty and devotedness been less sterling than it appeared, they would have been driven by his oppression to rebellion long before they were. James thus showed himself cruelly ungrateful to those who for his sake, either in their own persons, or in the persons of their eldest sons, had become exiles among their traditional enemies, where they, for the most part, either died, or were exchanged for others of equal importance;¹ yet, shortly after the conclusion of this arrangement, and before King James the First had sat a single year on the throne of his fathers, he was the author of one of the most sanguinary tragedies ever executed on Scottish soil,—two knights, with their aged father and more aged grandfather, the most venerable of Scotland's nobles, tried, condemned, and hurried from the tribunal to the block.

Previous to his coronation, as remarked, King James had caused the

¹ Fordun, a Goodall, vol. ii. p. 474.

arrest, along with two others, of Walter Stewart, the oldest surviving son and heir of Duke Murdach. In the same year, 1424, Duncan, Earl of Lennox, was also arrested and imprisoned in the Castle of Edinburgh, while Robert of Graham was consigned to a similar fate in the Castle of Dunbar.¹

The King held his second Parliament at Perth, on 12th March 1425, and on the ninth day of its sitting he caused to be arrested Murdach Duke of Albany, and his son Sir Alexander Stewart, with twenty-six others, namely, Archibald fifth Earl of Douglas, William Douglas Earl of Angus, George Dunbar Earl of March, Alexander Lindsay, Adam Hepburn of Hailes, Thomas Hay of Yester, Walter of Haliburton, Walter Ogilvy, David Stewart of Rosyth, Alexander Seton of Gordon, Patrick Ogilvy of Ochterhouse, John the Red Stewart of Dundonald, David Murray of Gask, John Stewart of Cardine, William Hay of Errol Constable of Scotland, Alexander Irvine of Drum, Herbert Maxwell of Carlaverock, Herbert Herries of Terregles, Andrew Gray of Foulis, Robert Cunningham of Kilmaurs, Alexander Ramsay of Dalhousie, and William Crichton of Crichton. On the same day, John Montgomerie of Montgomerie, and Alan of Otterburn, the Secretary of the Duke of Albany, were also arrested, but shortly afterwards were released. Immediately after these arrests, the King sent and took possession of two of Duke Murdach's castles, Doune in Menteith and Falkland. In the former he found Isabella, Duchess of Albany, and sent her with the other prisoners to the Castle of St. Andrews, but he afterwards removed her to Tantallon, and the Duke of Albany to Carlaverock Castle.² The portion of Carlaverock Castle in which Duke Murdach was confined is still preserved, and is known as "Murdach's Tower." It is the round tower on the southwestern angle of the Castle, and is about eleven feet in diameter. The tower was far removed from the vassals of Albany, and may on that account have

¹ Fordun, a Goodall, vol. ii. p. 482.

² *Ibid.* p. 483.

been considered the safest in the kingdom. He was taken from it to his trial and execution at Stirling.¹

Only one of Duke Murdach's sons, James, was at liberty, and he would, no doubt, have shared the fate of his father and brothers if King James could have captured him. He, however, escaped, and, enraged by the imprisonment of his father and brothers, attacked, in company with Finlay, bishop of Lismore, and others, the burgh of Dumbarton, which, in spite of strong resistance, he burned, and slew John Stewart of Dundonald, otherwise of Burley, called the Red Stewart, an uncle of King James, and with him thirty-two other persons. For this the King pursued him so closely that he was compelled, with the Bishop, to betake himself for safety to Ireland, where he died.²

Several of those taken along with Duke Murdach had obtained their liberty, as is evident from the Red Stewart being at Dumbarton when it was assaulted by James Stewart. Others seem to have been set at liberty on promising to assist the King in the removal of Albany and his sons, for they sat on the jury of twenty-one which condemned them and the Earl of Lennox. Of those thus liberated there were eight, namely, Archibald Earl of Douglas, William Earl of Angus, George Earl of March, John Montgomerie, William Hay of Errol, Constable, Herbert Herries of Terregles, Robert Cuninghame of Kilmaurs, and Patrick Ogilvy, Sheriff of Angus, who, with those already in the King's confidence, were sufficient to insure a verdict against those whose life the King sought.

On the 18th of May the King continued his Parliament at Stirling, and on the 24th of that month, when seated on his throne in state, Walter Stewart was brought before him for trial, his accusation read, and he being

¹ The Book of Carlawerock, by William Fraser, vol. i. pp. 56, 130.

² Fordun, a Goodall, vol. ii. p. 483.

convicted, was at once led forth and beheaded in front of the castle. On the morrow similar proceedings took place with regard to Duke Murdach, his son, Sir Alexander, and the aged Earl of Lennox. They shared the same fate, and with like haste; and to add to the ghastly spectacle, on the same day five of those who had been with James Stewart at the burning of Dumbarton, who had been taken and brought to the King on the 8th of May, were drawn asunder by horses, and their bodies suspended on gibbets.¹ The bodies of the Earl of Lennox, the Duke of Albany and his two sons, were buried in the Church of the Preaching Friars at Stirling, on the south side of the great altar.

The scene of their execution was an eminence to the north of the castle, the Gowling Hill, or Heading Hill, as it was afterwards called from this sanguinary scene. The event itself was one which drew from those who witnessed it expressions of deep regret and compassion. Duke Murdach and his two sons were men of gigantic stature; and of Sir Walter Stewart it is recorded, in marked contrast to the testimony of Bower, that he was a most loveable person, of sagacious eloquence, agreeable to every one, and universally beloved, and that his death was deplored not only by those who knew him, but by all who had heard of his fame.² When to these was added the spectacle of the venerable Earl of Lennox, now in his eightieth year, and one of the most peaceable noblemen of that time, being led to the block, it cannot be wondered that expressions of indignation against such unsparing rigour found vent amongst the spectators.

Much conjecture has been raised as to the cause of this procedure on the part of King James. As has been stated, the arrest of Sir Walter Stewart was made before the coronation of the King, and the only charge which is known to have been preferred against him is that of "*de roborea*," of which

¹ Fordun, a Goodall, vol. ii. p. 483.

² Scotichronicon, Cupar ms., quoted in Fordun, a Goodall, vol. ii. p. 483, note.

he was convicted by the assize, and beheaded.¹ What is implied in this term is doubtful, the most probable suggestion being that it refers to the spoliation of crown lands. The pretext for the arrest of Duke Murdoch, his son Alexander, and the Earl of Lennox, with so many other nobles during the sitting of the second Parliament at Perth, has been supposed to be the inattention paid by these nobles to the laws passed by themselves at the previous meeting of Parliament, evidence of which appeared at the second meeting, upon which the King ordered their arrest. But all the others were released, and only Albany, his sons, and Lennox chosen for the slaughter, while no record has been preserved of the crimes of which they were accused. It could not have been usurpation of the government on the part of the Duke, as has been suggested, for, as formerly shown, his transactions during the whole period of his regency were not only never called in question either by the nobility or King James, but were actually confirmed by both, and the death of the Duke alone might have sufficed had such been the crime. Feelings of revenge against the whole house of Albany on account of the alleged murder of Rothesay, and detention of King James in England, are also stated as a reason for the arrest; but as these alleged facts have been shown to have had no foundation, they are not likely to have given rise to such feelings. It may have been represented to the King that the power of the Albanies had become too great, and that while they lived he would not be able to consolidate his own power; but these reasons will not provide any satisfactory ground for including the aged Earl of Lennox in the slaughter. Whatever

¹ Scotichronicon, Cupar MS., quoted in Fordun, a Goodall, vol. ii. p. 483, note. The only instance on record of misdemeanour on the part of Sir Walter Stewart was his detention of the custumars of Linlithgow in his castle of Dumbarton until they paid him the sum of

£15, 0s. 10½d., and this was considered so trivial by the Lords Auditors, that they did not think it worth while consulting the Governor, but merely instructed the custumars to deduct the sum from the next payment made to him.—[Exchequer Rolls, vol. iv. p. 365.]

his reason, King James evidently sought to annihilate the house of Albany. Pinkerton prints a contemporary account of the murder of King James the First, which refers in the following terms to the execution now related :—

“Whos deth the people of the land sore grutchted and mowrnid, seying that thay suppoised and ymagynd that the Kyng did rather that vigorous execucion upon the Lordes of his kyne, for the covetise of thare possessions and goodes, thane for any other rightfull cause, althofe he fonde colourabill wais to serve his entent yn the contrarye.”¹

At all events, it was not because of any danger to the State that King James procured the death of these noblemen. There is nothing to show that they were moving sedition; they attended the Parliament, and performed their accustomed duties till they were suddenly and unexpectedly arrested. Their lives might have been useful to the country had they been spared, but the King's jealousy prompted their removal, as it would lessen the risk of failure in his own succession in the event of a rising of the other nobles or people, for they were the next heirs to the crown. Colourable pretexts may have been found to convict them of treason, but it is more likely, judging from James's policy towards the nobles, that he succeeded in intimidating those who sat on the jury to fulfil his wishes. Sir David Lindsay of the Mount thus refers to this deed :—

“Quho rang in court more hie and tryumphand
 Nor Duke Murdoke, quhill that his day indurit ?
 Was he nocht gret Protectour of Scotland ?
 Yit of the court he was nocht weil assurit ;
 It changit so, his lang servyce wes smurit ;
 He and his some, fair Walter, but remede,
 Forfaltit war, and put to dulefull dede.”²

¹ Pinkerton, vol. i. Appendix, p. 463.

² Poetical Works of Sir David Lyndsay, by David Laing, vol. i. p. 77.

The death of Duke Murdach and his sons being ostensibly for high treason, and his youngest son, James, being now an outlaw on whose head a price was placed, the vast earldoms of Fife and Menteith fell into the King's hands. A charter, granted by James, Abbot of Dunfermline, and the convent thereof, on 4th January 1506, bears that the deceased Murdach, Duke of Albany, Earl of Fife and Menteith, tenant to the said abbot and monastery in the lands of Cluny, had, for certain treasonable crimes, forfeited his life and lands and all his goods within Scotland to King James the First; and although the said King and his successors kept the said lands of Cluny for some time to their own use, and disposed them to certain persons, yet King James the Fourth, then present King of Scots, moved through conscience and his accustomed goodness, and being advised by a decree of the Lords of Council, restored the superiority of the said lands of Cluny to the said abbot and convent.¹

The earldom of Lennox, however, was not forfeited, but was inherited by Isabella, Duchess of Albany, as heir to her father, Earl Duncan, under the feudal investitures of the earldom, and it remained in her possession till her death. After her release from Tantallon Castle, the Duchess returned to the home of her childhood in Inchmurrin Castle, Lochlomond, the principal messuage of the earldom of Lennox. From this place she managed the affairs of the earldom, and numerous charters attest both her munificence to the Church and her capacity for business. She received, in 1434, at the King's command, a grant of £29, 6s. 8d. from the Exchequer; and probably it is the same lady who is referred to under the name Elizabeth, Duchess of Albany, as the recipient of £8, 2s. for clothing and furniture about four years previously.² Duchess Isabella's youngest son, James,

¹ Appendix to Fourth Report of Historical mss. Commission, p. 497.

² Exchequer Rolls, vol. iv. pp. 473, 591.

died in his exile in Ireland; but in the year 1445 three of his illegitimate sons were with her at Inchmurrin, whose names were James, Arthur, and Walter, and they witnessed, on 15th February of that year, a charter by Isabella, Duchess of Albany and Countess of Lennox, to William of Edmonstoun, son and heir of Sir William of Edmonstoun, Lord of Cullodene, and his wife, Matilda Stewart (a grand-daughter of the Duchess), of the lands of Duntreath, in the earldom of Lennox.¹ They were still with her in the year 1451, and witnessed a charter granted by her at Inchmurrin, on 18th May, of the lands of Balylogan, in the parish of Kilmarnock and earldom of Menteith, to John of Govane, prior of the Preaching Friars of Glasgow, and his successors, for the welfare of her soul and the souls of her late husband, Murdach, Lord Duke of Albany, her father, Duncan, Earl of Lennox, and her sons Walter, James, and Alexander.

For some time after the death of Duke Murdach there were two Duchesses of Albany in Scotland—Duchess Muriella, the second wife of Duke Robert, and Duchess Isabella. The former must have been well advanced in years at the time when the last reference to her pension from King James occurs in the Accounts of the Auditors of the Exchequer for 1435, and she probably received the money from the forfeited earldoms of Fife and Menteith. Duchess Isabella survived until about the year 1460, and saw the violent end of that King who at one blow deprived her of father, husband, and sons. She also lived until near the end of the reign of King James the Second.

By his Duchess Isabella, Duke Murdach had four sons and one daughter:—

1. Robert Stewart, called of Fife. He is mentioned in the accounts of the year 1415 as receiving share of a balance of £50, 11s. 9d. in the hands of the custumars of North Berwick, which, by

¹ The Lennox, by William Fraser, vol. i. p. 269.

command of the Governor, Duke Robert, was divided between him, another grandson, John of Swinton, and Sir Robert of Lawder.¹ Robert Stewart died before 1421, without issue.

2. Sir Walter Stewart of Lennox, but, after the death of his elder brother, styled of Fife, Lennox, and Menteith. Previous to the year 1416 he was appointed keeper of the Castle of Dumbarton in place of, or along with Sir Walter Buchanan, his brother-in-law, who received twenty marks of the hundred annually granted for the office, while Sir Walter received eighty.²

Under the regency of his father, Sir Walter, as his eldest surviving son and heir, exercised considerable power, a proof of which is his writing a letter to the French King, dated at Stirling, in the month of October 1423, in which he promised to observe and keep the treaties of alliance and confederation between the kingdoms of France and Scotland.³ He was seized and imprisoned by King James the First as soon as the latter entered Scotland, and after being kept a year in captivity, was tried and executed at Stirling, on 24th May 1425.

A marriage was arranged between Sir Walter and Janet Erskine, daughter of Sir Robert Erskine, and as they were related to one another in the third degree, a papal dispensation was obtained from Pope Martin the Fifth, dated 27th May 1421.⁴ But it is unknown if this proposed marriage was ever celebrated, and Sir Walter left no legitimate issue.⁵

¹ Exchequer Rolls, vol. iv. p. 226.

² *Ibid.* pp. 242, 363.

³ Report on Fœdera, Appendix D, p. 128.

⁴ Andrew Stuart's Genealogical History of the Stewarts, p. 451.

⁵ The alleged marriages and issue of Sir Walter Stewart have formed the subject of controversy. According to the family tradition of the Stewarts of Ardvourlich, who are descended from James Stewart, a younger

3. Sir James Stewart, called *More*. He, as formerly narrated, was driven to take up arms on the arrest of his father and brothers, and after burning Dumbarton, fled to Ireland, where he died in 1451. By a lady of the family of Macdonald he left a natural son, James Stewart *Beg*, who was the ancestor of the Stewarts of Ardvoirlich. He had also a natural daughter, Matilda, married to William Edmondstone of Duntreath. This marriage is proved by a charter by Isabella, Duchess of Albany, to William of Edmondstone and Matilda Stewart his spouse, of the lands of Duntreath and others, dated 15th February 1445.¹
4. Sir Alexander Stewart, called of Kinclavin, who was beheaded, along with his father the Duke and his grandfather the Earl of Lennox, at Stirling, on 25th May 1425. He left no issue.

The daughter of Duke Murdach was—

Lady Isabella Stewart, who married Sir Walter Buchanan of Buchanan in Stirlingshire, and left issue. ✓

brother of Sir Walter, Andrew, Lord Avandale, was also a son of James. George Crawford, Duncan Stewart, and other eminent genealogists, believed in that tradition. But the question of the parentage of Lord Avandale has been made a special study by the Hon. and Rev. Andrew Godfrey Stuart in his *History of the Stuarts of Castle-Stuart* (1854). Mr. Stuart maintains that Sir Walter was the father of Avandale and three brothers, Alexander, Murdach, and Arthur, by a lady of the name of Campbell, and that by a second marriage with Janet Erskine, Sir Walter was the father of Walter Stewart of Morphee, ancestor of the family of Castle-Stuart. In

his arguments for the parentage of Lord Avandale, Mr. Stuart is more successful than in his pleading, however plausible, for the legitimacy of Avandale and his brothers Arthur and Walter. In the Act of Legitimation granted to them by King James III., the three brothers are treated as bastards. Buchanan refers to Arthur as base born, thus corroborating the legitimation as to him; and the evidence as to the Campbell lady calls her an unlawful wife.

¹ Genealogical Account of the Family of Edmondstone of Duntreath, by Sir Archibald Edmondstone of Duntreath, Baronet, 1875, p. 32.

By the forfeiture of Murdach, Duke of Albany, the earldom of Menteith became the property of the Crown. As King James the First had also deprived Malise Graham of his earldom of Strathern, he shortly afterwards granted to him a portion of the earldom of Menteith as a new earldom, as will be shown in the next chapter, on the history of the Grahams, Earls of Menteith.

The subsequent history of the title of Duke of Albany shows how short-lived was each successive creation of that distinguished dignity. After having been extinct for nearly half a century, it was revived before 1466 in favour of Alexander Stewart, Earl of March and Lord of Annandale, the second son of King James the Second. On his death in France in 1485, it devolved on his eldest lawful son, John, who for nine years (1514-1523) was Governor of Scotland during the minority of King James the Fifth, and was declared next heir to the Crown in the event of that King's death without heirs. Duke John died in France in 1536, when the title of Duke of Albany became extinct the second time. It was, however, in 1541 again revived in favour of Prince Arthur, second son of King James the Fifth; but he died in childhood. A third time it was revived by Queen Mary, and bestowed upon Henry, Lord Darnley, on the occasion of his marriage with the Queen in 1565. On Darnley's death the title of Duke of Albany descended to his son King James the Sixth, who created his second son Prince Charles, afterwards King Charles the First, DUKE OF ALBANY on the occasion of his baptism, on 23d December 1600. King Charles the First created his eldest son Prince Charles, afterwards King Charles the Second, DUKE OF ALBANY in 1631, and he in turn, on 31st December 1660, created his younger brother

Prince James, DUKE OF ALBANY. The latter succeeded as King James the Second of England, and on his forfeiture of the Crown the title of Albany was again extinguished.¹

After the accession of the House of Hanover to the British throne, Prince Edward Augustus, second son of Frederick Lewis, Prince of Wales, was, in 1760, created by King George the Second DUKE OF ALBANY AND YORK; and on his death in 1767, that title became extinct. It was once more revived in 1784, by King George the Third, in favour of his second son, Prince Frederick, and again became extinct on the death of the latter, without issue, on 5th January 1827. He was the last who held this oft-created and oft-extinguished dignity of Duke of Albany.

It will thus be seen that during the five centuries through which this dignity has existed, it has never continued under the same creations beyond the second generation, having been interrupted either by forfeiture, failure of heirs, or new creations.

¹ Prince Charles Edward did not assume the title of King as his father did, but contented himself with the humbler dignity of Count of Albany. Charles had one daughter by Clementine Marie Sophie, daughter of John Walkinshaw of Barrowfield, in the county of Lanark. The daughter

was named Charlotte Stuart. She was very devoted to her father in his declining years. He legitimated her, and went through the form about the same time of making her DUCHESS OF ALBANY, by which title she was known till her death in November 1789, being then about forty years of age.

APPENDIX

TO

MEMOIRS OF THE DUKES OF ALBANY.

THE Memoirs of these two Dukes were in type and ready to be printed, when, in the month of November 1880, there came under the notice of the author, while examining the miscellaneous collection of unprinted manuscripts in Her Majesty's General Register House, Edinburgh, of which he had in the previous month become official custodier as Deputy Keeper of the Records, the note of a large sheet of paper containing three separate and two circular letters by King James the First to his uncle the Duke of Albany and others relative to his release from his captivity in England. On making inquiry for that paper, it was ascertained that it had been found in the year 1853 by a gentleman not officially connected with the public Records, when professionally engaged in making searches among the Warrants of Processes in the General Register House. The paper was handed by that gentleman to one of the Deputy Keepers of the Records, and it was afterwards placed within cover of an envelope, where it appears to have lain undisturbed from that date. The fragment appears to be the original draft by the secretary of King James the First of the letters before being engrossed and despatched to the respective noblemen to whom they were addressed. x

The letters are all dated from Stratford Awe, or Avon. They do not state the year in which they were written. They must, however, have been written before Sir Murdach Stewart obtained his release, about the beginning of the year 1416, as in the first letter, which is addressed to Duke Robert, the King

states that he has obtained to it, in addition to his own signet, that of his cousin of Fife, clearly referring to Sir Murdach Stewart, who was popularly called "of Fife," as the eldest son of Duke Robert, Earl of Fife. John Lyon, the King's chaplain, and bearer of the letters, went to England to King James in May 1412 on a safe-conduct, which was to continue till the King's liberation.¹ Sir William Cockburn, to whom reference is made by James, is known to have been one of the commissioners in England treating for the King's deliverance in July or August 1413,² though he may also have been with the King at a later date, while the following letters appear to have been brought to Scotland by John Lyon in February 1416, as on the 20th January of that year he received a safe-conduct from Henry the Fifth of England to proceed to Scotland,³ and the letters bear date the 30th January.

I. KING JAMES THE FIRST to his Uncle, ROBERT, DUKE OF ALBANY.⁴

Duci tantum.

GRETYNGE as to our selfe. Most der and best belufit eme, it is nouch vnknowin to yhow that we hane syndry tymys writtyn to yhow and to the thre Estattis of our rwme for our deliuerans witht Archibalde of Edmondistoun and William of Cokbourne, our trew kynchtis, and now of late witht Jon Lyone, our trast and wel belufit chapelayne, and of thir letteris ane no al hade we neuer answer, and tharof vs ferlyis nouch lytyle. Qwarfor we pray yhow effectusly and riqweris that of tha letteris yhe sende ws answer witht our forsayd chapelayn, berar of this letter, and at yhe mak exsecucion for our deliuerans efter the ordinans of our consale generale, so dowly that in yhour defaut we be nouch send to sek remede of our deliucrans otherqware in tyme to cum. Alsswa we pray yhow effectusly that yhe haue the berare of this letter wel commendit,

¹ Rotuli Scotiæ, vol. ii. p. 200.

² *Ibid.* p. 206.

³ *Ibid.* p. 215.

⁴ Original Draft of this and the four following letters on a single sheet of paper in Her Majesty's General Register House, Edinburgh.

for he has mad to vs and ouris no nother caus, thankit be Gode. Writtyn at Stratforde Awe, the penultyma day of Janueir, vndyr our propir signe manuele and signet, witht the signet of our welbelufit cosyng of Fyffe.

2. THE SAME to the EARLS OF DOUGLAS and DUNBAR, and the LORD OF DALKEITH.

Douglas. Dalketh. Dunbar.

GRETYNGE as to our selfe. Der and wel belufit brother, we haue syndry tymys writtyn to yhow til stere our most lufit eme of Albauy douly to trauele for vs and our deliuerans efter the ordinans of our generale consale, and now o late we wrot to zhow witht our trast and wel belufit chapellayn Jone Lyone, the qwilk zhe resayfit thankfully, as he has lattyn vs wit, and tharof we thank zhow and prayis zhow witht al our hart to labore for vs and our deliuerans eftter the tenor of tha letteris, sene zhe botht wele cane and may, and our speciale trast is iu zhow, and the delay of our hamecome standis al anely iu thaim that sowlde persue for vs, for we haue comondit witht our most gracious cosyng the excellent Kyng of Ingilland for our deliuerans, and we haue foundyu hyme so gracious that in hym is no thyng to amende as the berare can lat yhow wit, witht qwilk zhe send answer qwat zhe haue done and may do in this mater, and qwat [zhe] thynk war vs to do gife delay war made as it has bene in tymis [gane. Wryttn] ut prius.

3. THE SAME to the LORDS OF GRAHAM, ERSKINE, and ARDROSSAN.

[On margin:] Grame. Erskyn. Ardrossan.

GRETYNGE as to our selfe. Trast and wel belufit brother (Alyzhe),¹ witt zhe we haue comounit for our deliuerans [witht]² our most excellent cosyng the gracious Kyng of Ingillande, and we haue fundyn hym mor gracious than we can say or write, thankit be Gode; and his desyre is that our most lufit eme of Albany dide trewly his det for our deliuerans eftter at the consale generale has ordanit befor tyme, and gif he wile nouch so do we mone sek other remede on nede, the qwilk we trast to fynde gif Gode wile, as the berare of this letter, Jon Lyone, our trast and welbelufit chapellayn, sale lat

¹ This word "Alyzhe" is written above the line as an alternative to the word "brother" which immediately precedes it. The original word "cosyng" is deleted. ² Original worn.

yhow wit, to the qwilk zhe gife ferme credens and answer; and gife yhe may sterre oure eme most lufit beforsayde to do his det, for we thynk God wilnande to mak zhow and yhowris for al at zhe sale do gud rewarde in tyme to cum. Writtyn ut prius.

4. CIRCULAR LETTER by KING JAMES THE FIRST.

[On margin :] Pluribus x.

GRETYNGE as to our self. Trast and wel belufit frend, cosyng, or alizhe, wit zhe we haue comounit for our deliuerans witht our most excellent cosyng the gracious Kynge of Ingilland, and we haue fundyn hym to vs, thankit be God, mor gracious than we may say or write, as the berar of this letter, Jon Lyone, our wel belufit chapellane, can lat yhow wit, witht the qwilk we pray yho sende vs answer in writ qwat yhe haue done or may do to the letteris we send yhow last, and qwat war to be done gif our deliuerans war put in delay as it has bene in tyme gane. And this yhe do for vs as we trast in yhow, for we sale mak yhow rewarde tharfor gif God wil in tyme to cum. Writtyn ut prius.

5. Another CIRCULAR LETTER by KING JAMES THE FIRST.

[On margin :] ij.

GRETYNGE as to our selfe. Wit yhe we haue resayfit yhour letteris answer of the letteris we sende to yhow witht our trast and wel lufit chapellan Jon Lyone, of the qwilkis we thank yhow witht al our hart, and specially of the confort and helpe zhe made to the forsayde Jon Lyone for our sak, and yhit we pray yhow hartfully to stere in this consale witht al the helpe of frendschipe and of our trew legemene yhe may get, our trast and mast lufit eme of Albany to do for our deliuerans efter the ordinans of the generale consale, for as we vnderstande our most excellent cosyng the mychty Kynge of Ingillande wile be to vs gracious and helpelik, for we haue comounit witht hym, as the berar beforsayd can lat yhow wit beforsayde, witht the qwilk yhe sende vs answer in writ qwat yhe haue done or may do in this mater, and qwat yhow thynk war vs to do gif our deliuerans war put in delay, as it has bene [in tymis gane. And this] yhow [do] for vs, ut prius.

Another letter relative to the same matter was written by King James to the burgh of Perth, probably on the 8th August previous to the writing of the foregoing letters. A copy of that letter is preserved in the archives of the burgh. In it James wrote that he had,

thankit be God, maid appoyntment of our delywerance with the excellent King of England, and for neidful dispensis that we mau mak on our passage, and for payment that we sould mak quhair we ar awand in Loudon, we have writtin to our aime of Albanie to send us of our awin gudis to pay our debtis, and mak our costis as worschip weeld, and gif he help us not, as we haif prayed him and chargied, necessitie compellis us to pray yow till help us with some pairt of dispensis at this tyme. Quhairfoir speciallie we pray yow, and requyris that ye gif us or len us a certain portioun of your propir guidis as ye ar disposed. Quhilk we sal gar be allowit to you in your earest custome, quhat euir it be, and send us this good with ane honest burges of your awin, quhilk sall hawe saif condyueit, as the berare of this lettres sall doe you witt. To the quhilk ye give firme credence in oure name, and gif ye can not fiud to refresh us in this mister, we doe you to witt that it is oure will, and we chairage yow ye put no merchandise to the see that aw us custom, uuder all payne that may follow in tyme to cum, till ye hawe licence and commandement of us. Wreitten at Londoun, the aught day of August, under oure proppir signe manuell and signett.

As the five letters, now printed for the first time, bear closely upon the proceedings of Robert, Duke of Albany, in reference to the liberation of King James from his captivity, and as they are new to history, it has been considered right to append them to his memoir and that of his son, as they could not be inserted at their appropriate place in chronological order. They afford an interesting contribution to the history of King James's captivity, and supply evidence of the King's great anxiety and impatience to be released, and his mistaken opinion that his release was simply a matter of exertion, and entirely in the power of his uncle Albany. But King James, owing to his youth at the time of his capture, and his consequent inexperience of the

affairs of Scotland, had never as yet known the extreme poverty of his own kingdom, and how insurmountable were the difficulties of obtaining the large ransom demanded by King Henry the Fifth. James afterwards learned the impossibility of paying the much smaller sum asked in 1424 to reimburse the English Treasury for his expenses. But at the time he felt flattered by the compliments and courtesy of Henry, who seems also to have encouraged James in the opinion that Albany was but deceiving him, and that his deliverance was a matter of less difficulty than it really was. The grants of freedom which King Henry had shortly before given to several Scottish barons, including the King's cousin, Sir Murdach Stewart, who had been his fellow-prisoner, strengthened this opinion, and induced King James to blame the Duke of Albany for remissness. But it is evident from the terms of the letters that he was not quite sure of the justness of his accusation. In the letter to the Duke he calls him his most dear and best beloved "eme" or uncle; and though this may be considered merely a formal and complimentary phrase from the royal nephew to his royal uncle, it is really more, as when the King wrote to the others he also in their letters calls him his most loved uncle. If the King had truly thought that Albany was conniving at his undue detention, it is hardly conceivable that he would have addressed himself and other noblemen and gentlemen in reference to him in those endearing terms. Nor are the King's terms of endearment limited to Albany alone. His eldest son Murdach had long been a fellow-prisoner with the King, and they appear to have lived on the most affectionate terms. The King borrowed from him his signet for his private letter to his uncle Albany, and styled him his well-beloved cousin of Fife. Yet in a few years, when James had gained his regal power, this well-beloved cousin was made one of the victims of the royal revenge.

The Eight Graham Earls of Menteith.

I.—MALISE GRAHAM, FIRST EARL OF MENTEITH.

MARION, HIS COUNTESS.

1427—1490.

ALTHOUGH the earldom of Menteith was possessed by a branch of the “gallant Grahams” for a longer period than by any other family, only one or two of the Graham Earls of Menteith became conspicuous in history. Their chiefs in the main line of Montrose were more famous, as also at a later date the branch of Claverhouse. William, the seventh Earl of Menteith, whose remarkable life will be given at length in a subsequent section of this part of the work, was the most distinguished of his line. A short statement will elucidate the origin of the possessors of the new earldom of Menteith given to Malise Graham, formerly Earl of Strathern, a younger branch of the direct line of the Grahams.

Sir David of Graham, ancestor of both the Montrose and Menteith Grahams, acquired lands in Kilpont and Illieston, in the county of Linlithgow, from Sir Ralph Noble and his son, Thomas Noble, in the reigns of the second and third Alexanders. These lands continued for centuries in the Graham family, the actual property of them being in the Menteith branch, and the superiority in the chief or Montrose line, in which it was confirmed by a charter from Murdach, Duke of Albany, on 8th January 1421, to Sir William,

Lord of Graham.¹ From the lands of Kilpont the junior title of Lord Kilpont in the Graham Earls of Menteith was derived.

The great-grandson of Sir David of Graham was Sir Patrick of Graham, who flourished in the fourteenth century, and was the father of Sir William Graham, the ancestor of the Lords Graham, and of the Earls, Marquises, and Dukes of Montrose. The second son of Sir Patrick was Patrick Graham, afterwards Sir Patrick Graham of Kincardine, who, by his marriage with Eufamia Stewart, Countess Palatine of Strathern, only daughter and heiress of Prince David Stewart, Earl Palatine of Strathern, either through courtesy of his wife or by creation, became Earl Palatine of Strathern. After the death of her father, Countess Eufamia confirmed, on 2d March 1400, a charter granted by him to Sir Robert Stewart;² and previous to 6th December 1406, she married Sir Patrick Graham, who on that day, with her consent, granted a charter to Eufamia of Lindsay, daughter of the deceased Sir Alexander of Lindsay of Glenesk.³ In 1408, under the designation of Earl Palatine of Strathern, Sir Patrick confirmed a charter by Earl David, granting to Maurice of Drummond the office of Steward of Strathern.⁴ On 10th August 1413 he was slain by his brother-in-law, Sir John Drummond of Concraig, leaving his Countess with two daughters and an only son, Malise Graham.

The marriage of Sir Patrick Graham and Countess Eufamia took place probably about the year 1406, and on the death of the former, the dignity of Earl Palatine of Strathern devolved on their son, Malise Graham. Being a minor, Earl Malise was placed under the tutelage of his maternal granduncle, Walter Stewart, Earl of Athole, who, in his capacity of tutor to Malise, Earl Palatine of Strathern, confirmed several charters in connection with that earldom. Earl Malise was proposed in 1423 as one of the hostages for King

¹ Vol. ii. of this work, p. 288.

² *Ibid.* p. 271.

³ *Ibid.* p. 273.

⁴ *Ibid.* p. 276.

James the First, the value of his lands being estimated at five hundred merks;¹ but he did not, at this time, become a hostage, either on account of his minority, or because fewer sureties were required after the sum of ten thousand pounds was remitted to King James as the dowry of Queen Joanna. He was one of those Scottish nobles who went to Durham to welcome their monarch on his return from his captivity in England.²

Not long after his restoration the earldom of Strathern attracted the cupidity of King James the First, and he took steps to bring it into his own power. He had already secured the earldoms of Fife and Menteith by the death and forfeiture of Duke Murdach, and on the pretext that the earldom of Strathern was a male fief, and therefore ought to have returned to the Crown on the death of Earl David, instead of passing to his daughter, the Countess Eufamia, and through her to Earl Malise, the King divested the latter of the earldom.

These were not the only earldoms that shared such a fate. In 1434 King James carried out a design he had formed of seizing the extensive lands of the Earls of March, alleging that on account of the treason of the Earl's late father, the lands had been forfeited to the Crown, though since his restoration the late Earl and his son had enjoyed them undisturbed for twenty-six years. Having despoiled the Earl of March, King James created him, as if in mockery, Earl of Buchan, with an assignation of four hundred merks annually out of that earldom. Fearing to remonstrate lest worse should follow, the Earl did not resist, but immediately afterwards retired to England in company with his eldest son.³ The earldom of Buchan had also come into the King's hands, which seems to have deterred the heir to the earldom, Robert Stewart, youngest son of Robert, Duke of Albany, from presuming to

¹ Rymer's *Fœdera*, vol. x. p. 307.

² *Ibid.* p. 309.

³ Tytler's *History of Scotland*, third edition, vol. iii. p. 129.

assert his claim under the last and regulating charter of the earldom. Soon thereafter the earldom of Mar, in terms of a new grant of that earldom, became the property of the Crown on the death of Earl Alexander Stewart.

This seizure of earldom after earldom alarmed the nobles. They, however, were not sufficiently united to withstand the King, whose acts, though coloured at times with a legal form, they felt to be grossly unjust and oppressive. Not to mention the cases of Menteith, Fife, Buchan, or March, that of Strathern alone, which principally concerns us here, was one of marked injustice. This was proved when the earldom and dignity were claimed in 1630 by William Graham, seventh Earl of Menteith, and his right legally established, by the fact that his arguments and feudal titles were found unassailable, although it may have been inexpedient to seek the recovery of what had been long before settled by Act of Parliament. The cause of that Earl's overthrow was not because his claim was ill-founded, but because its success created an imaginary danger to the family which possessed the throne, which it was considered expedient to stamp out at once.

To mitigate the severity of his seizure of Strathern, James divided the earldom of Menteith into two parts, one of which, the western, he erected into a NEW EARLDOM OF MENTEITH, in favour of Malise Graham, while the other portion, the eastern, was reserved to the Crown, and was afterwards known as THE STEWARTRY OF MENTEITH. The charter by King James the First, erecting the new earldom, was granted on 6th September 1427.¹ It contains the names of the lands comprehended in it, but makes no mention of any fortalice or castle. In addition to this grant of the new earldom of Menteith to Malise Graham, King James bestowed the earldom of Strathern, for life only, upon Walter Stewart, Earl of Athole and Caithness, the guardian of the despoiled Earl Malise. But these acts did not atone for the arbitrary seizure

¹ Vol. ii. of this work, p. 293.

of the earldom of Strathern by King James, for though, on account of his youth, Malise was unable to offer objection to the designs of the all-powerful sovereign, the matter was taken so seriously to heart by Sir Robert Graham, the paternal uncle of Earl Malise, that it was one of the main causes which led to the assassination of King James the First by that resolute man in 1437. It is said that King James the Sixth, when solicited to restore the title and earldom of Strathern, always refused with the remark that "he had no more for the blood and slaughter of King James the First."¹

Only two months after this creation of the new earldom of Menteith, Malise Graham, in November 1427, entered England as one of the hostages for King James in room of Sir Robert Erskine.² He seems to have been confined in the Castle of Pontefract, from which he was not released until 17th June 1453, on supplication made by James, Earl of Douglas, and James, Lord Hamilton, to King Henry the Sixth of England. An arrangement was made whereby Alexander Graham, son and heir of Earl Malise, was to enter as hostage in place of his father, and should he die or make his escape, Earl Malise was to return, and the two noblemen who made the request for the Earl's release became security for the fulfilment of the terms of the agreement.³ Tytler suggests that communications of a treasonable nature took place between the Earl of Douglas and Earl Malise on this occasion.⁴ But there is no evidence to establish such a supposition, as it was not until the following year, 1454, that the Earl of Douglas leagued himself with the Yorkists in England in a conspiracy against King James the Second, and on the flight of Douglas, Earl Malise subjoined his seal with other

¹ Sir John Scot's True Relation, quoted by Sir Harris Nicolas, History of the Earldoms of Strathern and Menteith, Appendix, p. xxx.

² Rymer's *Fœdera*, vol. x. p. 381.

³ *Rotuli Scotiae*, vol. ii. p. 363.

⁴ History of Scotland, third edition, vol. iii. p. 253.

nobles to the instrument of forfeiture made in Parliament on 17th June 1455.¹ Besides this, as James, Lord Hamilton, was the brother-in-law of Earl Malise, having married his sister, Eufamia Graham, after the death of her first husband, Archibald, fifth Earl of Douglas, the ties of kindred would be sufficient to impel him to seek the release of the Earl, and to obtain the co-operation of the Earl of Douglas in it. Earl Malise recognised the service done to him by James, Lord Hamilton, by granting to him and his spouse Eufamia, "our dearest sister, for his thankworthy service and help rendered to us, all and whole our lands of Illieston, lying in our lordship of Kinpunt, in the constabulary of Linlithgow and sheriffdom of Edinburgh."² In the charter, which was granted at Bothwell Castle on 17th December 1453, shortly after his release, Earl Malise designates himself Earl of Menteith and Lord of Kinpunt.³

The forests in and around Menteith were the favourite resorts of the Scottish Court when at Stirling for the sport of the chase, and in order to make provision for himself and the lieges during the hunting season and at other times in Menteith, King James the Third, on 8th February 1466, erected the town of Port into a burgh of barony, granting a charter to Earl Malise to this effect.⁴ But the Port does not appear ever to have been a burgh of importance.

After his return to Scotland, Earl Malise frequently attended meetings of Parliament, and was occasionally on committees.⁵ On 29th March 1479, he was cited before the Lords of Council, and found by them to have

¹ Acts of the Parliaments of Scotland, vol. ii. p. 77.

² It would thus appear that Earl Malise, though deprived of the earldom of Strathern, had been permitted to retain the paternal inheritance of Illieston.

³ Vol. ii. of this work, p. 295.

⁴ *Ibid.* p. 297.

⁵ Acts of the Parliaments of Scotland, vol. ii. pp. 77, 84, 88, 93, 100, etc.

wrongfully taken three chalders of victual, half the teind of the kirk of Aberfoyle, which belonged to William Stewart of Baldorane by lease, from Master Patrick Sandilands. These the Earl was to repay, and letters were ordained to be written for distraining his lands and goods for the victual, and for twelve shillings, the cost of three witnesses, and twenty shillings, the costs of William Stewart.¹

Earl Malise is said to have been present at and taken part in the battle of Sauchie in 1488, which terminated so fatally for King James the Third. He had the command of the Stirlingshire men and those from the west, who composed the rear division of the royal army. At first the King's troops were successful, but it was only for a short time, as on the approach of the Borderers, who fought for Prince James, the King and the royal troops were compelled to retreat. King James the Third was assassinated the same day at Beaton's Mill, near Bannockburn.²

Earl Malise died in the year 1490. He is said by some peerage writers to have married Anne Vere, daughter of the Earl of Oxford, and by others Jane Rochford. But no sufficient proof has been found that either of these ladies became his Countess. Marion is mentioned as Countess of Menteith at the time of the death of Earl Malise; but if Marion was then his wife, there is reason to suppose she was not his first wife, as she married John of Drummond before the 17th of May 1491. Had Countess Marion been the first wife of Earl Malise, and about the same age as himself, she must at the time of his death have been very old, and would not likely have remarried. It was probably after the Earl's death that Countess Marion, in 1490, instituted proceedings before the Lords of Council against Walter Buchanan of Buchanan, John of Drummond, Macpherson Neil Macnare, and Robert Menteith, in which

¹ *Acta Dominorum Concilii*, p. 28.

² Tytler's *History of Scotland*, vol. iii. pp. 429-432.

she produced her charters, and was successful in asserting her right not to be disturbed by Walter Buchanan and the others in the possession of certain lands which she held in liferent.¹ On 17th May of the following year, the Countess again pursued Walter Buchanan before the Lords Auditors, and this time in conjunction with John of Drummond her spouse. Walter Buchanan was bailie upon the earldom of Menteith for Earl Malise's successor, and had without power or licence from the Countess and her husband, held a court upon the lands of Samchalze and others, given to her by the late Malise, Earl of Menteith. The Countess and John of Drummond produced their charters, confirmation, and letters for the lands, and the Lords Auditors condemned the bailie, who, after the deliverance of the judgment, protested for himself, and as prolocutor for Alexander, Earl of Menteith, that notwithstanding the decret it should not prejudice the Earl in his inheritance, nor himself in his letters of bailiary.²

Malise, Earl of Menteith, had five sons and one daughter :—

1. Alexander Graham, Master of Menteith, or Lord Kilpont, who, as son and heir of Earl Malise, became hostage for his father in 1453,³ and appears to have predeceased his father in exile before 1469, without issue male.
2. John Graham, Master of Menteith, or Lord Kilpont, who, as son and heir of Malise, Earl of Menteith, received the lands of Kilbride from King James the Third, by a charter under the Great Seal, dated at Stirling, 7th April 1469, upon the resignation of them by his father, Earl Malise.⁴ He married Margaret Muschet, and appears to have died before 1478, without issue male, but left a daughter, who was contracted in marriage to Malcolm

¹ Acta Dominorum Concilii, p. 157.

³ Rotuli Scotiæ, vol. ii. p. 398.

² Acta Auditorum, p. 154.

⁴ Acta Dominorum Concilii, pp. 238-241.

Drummond.¹ Margaret Muschet had the terce of the lands of Kilbride after the death of her husband.²

3. Patrick Graham, Master of Menteith, or Lord Kilpont. On 19th October 1478, as son and heir of Malise, Earl of Menteith, he was, on a precept by the latter, infeft in the lands of Craigwehly and Auchmar, in the earldom of Menteith.³ He married Isobel, daughter of Sir Thomas Erskine, Lord Erskine, but being connected in the fourth degree of consanguinity, a Papal dispensation was obtained for the marriage. The dispensation, after being received, was presented to a notary, who drew up an instrument to that effect on 24th January 1465.⁴ Patrick, Master of Menteith, was the father of Alexander, the second Earl, and of Henry Graham, his brother.
4. John Graham, who, although he bears the same name as the second son of Earl Malise, is not to be confounded with him. He was probably born after the death of his elder brother. On 8th December 1485, at Inchtolloche, Earl Malise granted to his son John Graham, for his filial affection, and to the heirs-male of his body, whom failing, to revert to Earl Malise and heirs whatsoever, a charter of the lands of Port Ernchome, Monvrachy, Gartmulzie, Mullen, Cranysmore, with the Lake of Inchmahomok and islands of the same, extending to £20, 13s. 4d. of old extent, in the earldom of Menteith and shire of Perth. This charter was confirmed by King James the Fourth on 29th June 1489.⁵ Along with his brother Walter, who, as will

¹ Acta Dominorum Concilii, pp. 217, 238.

² *Ibid.* p. 213.

³ Original Instrument of Sasine in Charter-chest of Duke of Montrose.

⁴ Inventory of Mar Writs, at Glenalmond.

⁵ Registrum Magni Sigilli, Lib. xii. No. 103.

be seen, got a similar grant from Earl Malise, John Graham, on 25th February 1494, resigned all the lands given to him by his father. In the instrument of resignation John and Walter are described as sons of the late Malise, Earl of Menteith, and that "nocht throw na drede leide nor intyll error sliddin;" and by the consent of their respective tutors, John, Lord Drummond, and Duncan Campbell of Glenorchy, as well as by the advice of their nearest and dearest kin, for the avoidance of much apparent trouble and vexation, and promoting friendship betwixt them and a mighty and noble lord, "Alexander, Erle of Mentetht, our principale lord and cheffe," they had resigned all right, property, etc., in the lands given to them by donation of their father Malise. The deeds of gift they declared to be entirely annulled and of no further value, and also discharged Earl Alexander of the sum of two hundred marks, which they had paid to the King for the ward of the lands.¹ The mention of tutors to these two sons of Earl Malise shows that in 1494 they were under age. In 1499 they granted a bond in favour of Earl Alexander, their nephew, bearing a procuratory *ad remanentiam*, and overgiving of certain lands of the earldom of Menteith, and as in the note of this bond in the inventory² there is no mention of tutors, it may be inferred that they were then of full age.

John Graham probably received the lands of Kilpont by way of compensation for resigning the lands given to him by his father, as there is a note of a letter of reversion on Kilpont granted by

¹ Original Instrument in Charter-chest of Duke of Montrose.

² Old Inventory, *ibid.*

him to Earl Alexander in 1494.¹ In 1500, John Graham received a premonition from Earl Alexander that the lands were to be redeemed,² and an instrument of redemption following thereon shows that they returned into the possession of that Earl.³

We have not ascertained whether this John Graham married and had issue. Tradition points to a Sir John Graham, son of Earl Malise, and designed of Kilbride, as the founder of the families of the Grahams of Netherby and others, but in support of this tradition no proof has been obtained. The elder brother, Sir John, was certainly of Kilbride, but he died without heirs-male, and the younger brother, John Graham, had no connection with Kilbride.

5. Walter Graham, designed Walter Graham of Lochcon or Lochtoun, was brother of John immediately preceding. He received from his father Malise, on the same day and at the same place as his brother John, a charter of the lake of Lochtoun (Loch Achray), with its islands, half the lands of Glaskatre, the lands of Calgart, Sawnocht, Inchre, the Miltoun and Kirkton of Aberfoyle, Bofressely, Bonynty, Downan, Baleth, Garlonanbeg, Gartearne, Garhat, and Cranisbeg, extending to a £19 land of old extent, in the earldom of Menteith and shire of Perth. This charter was confirmed by King James the Fourth on 29th June 1489.⁴ Alexander, Earl of Menteith, granted to Walter, his father's brother, a charter of the lands of Kilbride, which was confirmed by King James the Fourth on 6th January 1494;⁵ and in the following month Walter resigned, with his tutor's consent, all or most of the lands gifted to him by his father, Earl Malise, to his nephew, Earl

¹ Old Inventory in Charter-chest of Duke of Montrose.

² *Ibid.*

³ *Ibid.*

⁴ Registrum Magni Sigilli, Lib. xii. No. 102.

⁵ *Ibid.* Lib. xiii. No. 147.

Alexander; but the lands of Kilbride having been recognosed by the Crown because granted without the consent of the King, from whom they were held in chief, Earl Alexander, by charter dated 14th May 1510, bestowed on his uncle some of the lands he formerly held, equal in value to the lands of Kilbride. This charter was confirmed by King James the Fourth on 3d February 1511-12.¹

Walter received another charter from Earl Alexander on 26th July 1518, of the lands of Glassford, Discheratoyre, Blarerusskanmore, and Blarequhopill;² and in 1521, whatever right may have remained to him in the lands of Kilbride was assumed by his grandnephew, William, Master of Menteith, who served upon him a premonition for their redemption, and further intimated his intention of redeeming the lands of Lochton, Inchre, Mylntoun, and Kirkton of Aberfoyle, Bofreslie, Bonente, Downans and Daleth, Gartlamanbege, Gartlochrame and Gyrechat, granted by Earl Alexander in 1510.³

Walter Graham married Marjory Campbell, probably a daughter of his tutor, Duncan Campbell of Glenorchy, and was ancestor of the Grahams of Boquhapple. A precept was granted on 17th June 1523 by William Balfour of Buchopill for the conjoint infeftment of Walter and Marjory in the five merk lands of Drongy, called Gartinsalze and Blareholich, and twenty-five shillings lands of the Bra of Buchquhopill, in the Stewartry of Menteith.⁴ Walter must have died before the 26th February 1524-5, as on

¹ Registrum Magni Sigilli, Lib. xviii. No. 8.

² Original Charter in Charter-chest of Duke of Montrose.

³ Original Instrument of Sasine in Charter-chest of Duke of Montrose.

⁴ The Stirlings of Keir, by William Fraser, p. 321.

that day Alexander, Earl of Menteith, at Inchmahome, granted a precept of *clare constat* in favour of Thomas Graham his son, appointing him to be infeft in the lands mentioned in the charter granted to his father in 1518.¹

Thomas Graham, called of Boquhapple, married Cristina Oliphant. He obtained, in 1541, the lands of Calzemuk and Balfour Boquhapple, in 1556 half of the lands of Wester Torrie, and about 1560 the lands of Bray of Cessintully and Balnadornok, the charter of which was confirmed in 1562 after his death.² His son, George Graham, was infeft in 1562 in the lands of Boquhapple,³ and in 1576 was served heir to his father in the lands of Blairgarry, in the earldom of Menteith. He was succeeded by his son, Thomas Graham of Boquhapple, in 1605,⁴ whose son, William Graham, fiar of Boquhapple, acquired the lands of Wester Boquhapple,⁵ and on 28th April 1625, with consent of Margaret Stirling his spouse, for a sum of money renounced the lands of Glassford, Discheratoyre, Blairruskanmore, and Blairquhople, given by Earl Alexander to Walter Graham of Lochtoun, his "foir grandsir father," in favour of William, seventh Earl of Menteith, of whom he immediately held the lands.⁶ The Boquhapple line has not been further investigated.

6. Lady Euphame Graham, who married Sir William Stewart of Dalswinton, is supposed to have been a daughter of Earl Malise. She survived her husband, and was alive in October 1495.⁷

¹ Original Precept.

² Registrum Magni Sigilli, Llb. xxx. No. 551 ; xxxi. 354, 472 ; xxxii. 530.

³ Old Inventory of Menteith Writs, at Buchanan.

⁴ Index of Retours, Perthshire, Nos. 38, 146.

⁵ Registrum Magni Sigilli, Lib. liii. No. 16.

⁶ Original Instrument in Charter-chest of Duke of Montrose.

⁷ Acta Dominorum Concilii, p. 401.

II.—ALEXANDER GRAHAM, SECOND EARL OF MENTEITH,
AND MARGARET BUCHANAN, HIS COUNTESS.

1490—1537.

EARL MALISE was succeeded in 1490 in the earldom of Menteith by his grandson, Alexander Graham. Considerable difficulty has been experienced in ascertaining which of the sons of Earl Malise was the father of Earl Alexander, but the evidence points to Patrick Graham, the third son, as the most probable. Genealogists generally have considered Earl Alexander as the son of Alexander, eldest son of Earl Malise, and similarity of name gives some colour to the hypothesis; but it is not reconcilable with the evidence of the charter granted by Earl Malise to his son and heir John, of the lands of Kilbride, as, if a son of Alexander's existed, John, who was younger than Alexander, could not have been the heir-apparent of Earl Malise. For a similar reason Alexander could not have been the son of John the Grahame, as, apparently after the decease of the latter, the designation of son and heir is given to Patrick Graham, the third son of Earl Malise.¹ The whole evidence points to the conclusion that Earl Alexander was the son of Patrick Graham.

Robert Buchanan of Leny, a grandson of Earl Alexander, about the year 1560, wrote a short narrative of his ancestry, which he sent to Sir James

¹ In the instrument of sasine of Patrick Graham, on 8th October 1478, in the lands of Cragwehty and Auchmor, the bailie of Earl Malise, who gave infeftment, is called John Graham of Kilbride. He must have been a dif-

ferent person from either of the two brothers of Patrick of the name of John. At the date of this infeftment the elder John Graham was dead, and the younger John was not of age in 1478, as he was under a tutor in 1494.

Stirling, Laird of Keir. It suffices here to refer no further back than to Patrick Buchanan of Leny, who married the Laird of Buchanan's daughter. Their son having been slain while hunting, the inheritance passed on Patrick's death to his youngest brother Robert, another brother, John, having been killed at Flodden without leaving heirs. Robert married Marion Graham, the Earl of Menteith's daughter, of whom the writer says, "the Laird of Buchquhananes doctir wes hir mothir; me Lord Grahame's doctir hir grandam, Lady Buchquhanane; me Lord Erskine's doctir hir vthir guidame, Countess of Menteith. To conclude," he adds, "I, Robert Buchquhanane of Lany that ringis now, sone to Robert and Marion Grahame, I am cheif of the avld family of Lany."¹

In 1490, Earl Alexander entered into a contract with William, Lord Graham, in which the latter, as superior of the lands of Kilpont, bound himself to see that these lands were held blench by Earl Alexander.²

Although Earl Malise died in 1490, Earl Alexander was not infest in the earldom until the 6th of May 1493. His infestment took place on the shore of the Lake of Inchmahome, near the Coldon, and upon the ground of the lands of Port.³ This delay may have been either on account of Earl Alexander's being under age, or more probably on account of the part taken by his grandfather in the struggle between King James the Third and his son, now King James the Fourth, as for a time those who had opposed the Prince were treated with disfavour.

After the death of Earl Malise a litigation arose about the lands of Kilbride, which were claimed by Earl Alexander as heir of his grandfather. The lands had formerly been held from the Crown by Earl Malise, who, in

¹ The Stirlings of Keir, by William Fraser, p. 415.

² Old Inventory in Charter-chest of Duke of Montrose.

³ Vol. ii. of this work, p. 302.

1469, resigned them into the King's hands for a regrant to his son John the Graham; but on the latter's death they reverted to Earl Malise. In 1474 there was a cause pending before the Lords Auditors between the Earl of Menteith and James Muschet of Tolgart,¹ and on 7th May 1487 the latter received from King James the Third a charter of apprising of the lands of Kilbride,² by virtue of which Muschet afterwards alleged that the lands belonged to him, as it had been granted for a certain debt of Malise, Earl of Menteith.³ On 27th February 1491-2, the tenants of Kilbride raised an action against James Muschet for uplifting the mails of the whole of Kilbride, and against Margaret Muschet, spouse of the deceased John the Graham, for uplifting the third part, in which the right of the latter was upheld because of her terce, but the action of James Muschet was condemned.⁴ Upon this James Muschet required the Sheriff of Perth to be ordained to show on what grounds Margaret Muschet had obtained herself served heir to the terce of Kilbride.⁵ On 24th June 1492, Alexander Graham, as heir to the late Earl Malise, produced the charter by James the Third to John the Graham, and protested that the proceedings should not prejudice his rights;⁶ and on the 5th July following, Patrick, Earl of Bothwell, appeared before the Council and protested that the lands of Kilbride were a tenandry of Bothwell, and held of him in chief.⁷

After he obtained the earldom of Menteith, Alexander granted a charter of the lands of Kilbride to his uncle, Walter Graham of Lochtoun, on a letter of reversion; and this charter was confirmed by King James the Fourth on 6th January 1494.⁸ Notwithstanding the confirmation, the King followed

¹ *Acta Dominorum Auditorum*, p. 36.

² *Registrum Magni Sigilli*, Lib. x. No. 132.

³ *Acta Dominorum Concilii*, p. 241.

⁴ *Ibid.* p. 213.

⁵ *Acta Dominorum Concilii*, p. 214.

⁶ *Ibid.* p. 238.

⁷ *Ibid.* p. 241.

⁸ *Registrum Magni Sigilli*, Lib. xiv. No.

out a process of recognition of the lands, and the Lords of Council, on the 27th February 1508-9, gave their judgment in favour of the King as follows:—

Decretis and deliueris that Alexander, Erle of Menteithe, and all vytheris havand or traistand to haf entres to the laudis of Kilbride, with the pertinentis, has tynt thair properte and possession thairof, and decernis the samyn to pertene till our souerane lord, and to be disponit at his plesour in tyme tocum ; becaus the mast part of the saids landis are analyt without license, consent, or confirmation of our souerane lord, thai beand hald of his grace immediately be seruice of ward and releif, for the quhilk cause thai war recognost in our souerane lordis handis, and uocht lettin to borch the space of ane zeir and ane day efter the said recognition being past ; and alsua becaus it was allegit be the said Alexander that the saids landis of Kilbrid war gevin to his forbearis be our souerane lord, to be hald of his hienes, when the erldome of Menteithe was gevin to thaim iu contentation for the erldome of Stratherne, and falzeit to preif the samyn at the terme assignit to him thairto : Our souerane lord, comperand be Master James Henrison, his aduocat, and the saide Alexander, Erle of Stratherne (Menteith), being personally present, and all vytheris havand or traistand to haf entres to the saids landis being lachfully summoned to this action, oftentimes callit and nocht comperit.¹

After this decision the lands of Kilbride were acquired by Sir Harry Schaw,² who granted a letter of reversion, whereby it was in the power of the King, or Earl Alexander and his heirs, to redeem the lands on payment of one thousand merks. In 1521 the Earl acted upon this privilege, and served premonitions of his intention to redeem the lands upon all having right or interest in them. These included the heirs of the late Sir Harry Schaw, David Schaw his son, and Marion Forrester his widow, and Earl Alexander's eldest son and heir, William, Master of Menteith,

¹ Acta Dominorum Concilii.

² Registrum Magni Sigilli, Lib. xviii, No. 8.

served a premonition upon his granduncle, Walter Graham of Lochtoun.¹ In 1522 Earl Alexander received a charter from King James the Fifth of two parts of Kilbride, and was infeft therein. The remaining third continued in the possession of the representatives of Sir Harry Schaw, evidently as the terce of his widow, Marion Forrester, until it also was redeemed by Earl Alexander in 1528 from the heirs of Sir Harry Schaw and James Drummond,² and he completed his title to this third by another charter from King James the Fifth, dated 2d February 1531.³

Alexander, Earl of Menteith, sat as one of the King's Council at Stirling, on 25th August 1495.⁴ On 22d January 1499 he was pursuer in an action before the Lords of Council against Alexander Campbell of Ardoch, Donald Campbell his son, William Sellar in the Greenyards, and Sir Alexander Cuninghame of Polmais, for the theft of nine oxen and ky and two mares from him, and in default of appearing they were condemned, and ordered to restore the property, with costs.⁵ He joined in a bond, made on 27th May 1501, between King James the Fourth and a number of his subjects who possessed lands in Perthshire, for the bringing of criminals to justice;⁶ and on 20th November 1503 he entered into an indenture for mutual defence with James, Earl of Arran, Lord Hamilton.⁷

The lands of Kinpont and Illieston were held by Earl Alexander from William, Earl of Montrose, and as, in 1508, there were some indications of the King's intention to recognise them to the Crown, an obligation was granted by the Earl of Montrose to the Earl of Menteith, on the 14th

¹ Old Inventory of Menteith Charters, drawn up by William, seventh Earl of Menteith, in Charter-chest of Duke of Montrose.

² Old Inventory of Charters at Buchanan.

³ Registrum Magni Sigilli, Lib. xxiv. No. 179.

⁴ Acta Dominorum Concilii, p. 385.

⁵ Acta Dominorum Concilii, anno 1499.

⁶ Vol. ii. of this work, p. 303.

⁷ *Ibid.* p. 306.

February of that year, in terms of the arrangement of 1490, that if the threatened recognition did take place, he would redeem the lands, and infest the Earl of Menteith again in them, to be held by him and his heirs as before in free blench farm.¹ The lands eventually remained in the possession of Earl Alexander.

In 1512 Earl Alexander paid a visit to Rossdhu, where, on 13th July, he disposed to Sir John Colquhoun of Luss the lands of the two Craance and Cragwehty, in the parish of Aberfoyle.² In the same year he granted a charter to William Haldane to be boatman at the head of Forth.³ His charters to his uncle Walter Graham and his cousin Thomas Graham have been noticed in the previous memoir under Walter Graham of Lochtoun.

To his only brother, Henry Graham, Earl Alexander granted at Inchmahome, on 16th October 1510, half of the lands of Gardenyacht or Auchmore, in return for a sum of money, and the Earl personally infest him in the lands on the following day.⁴ In 1534, shortly before his death, the Earl, for the love he bore to "his beloved only brother-german, Henry Graham," ratified and confirmed this infestment to him and his heirs, together with a lease of the other half, for a period of nineteen years, and whatever other lands or gifts he had given to him besides these. The confirmatory instrument bears to have been written in the "court (or hall) of the monastery of St. Colmoc, in the island called Inchmaquhomok."⁵

Earl Alexander married Margaret Buchanan, daughter of Walter Buchanan of Buchanan, and by her he had, so far as known, two sons and a daughter. Walter Buchanan held the office of bailie on the earldom of Menteith, but renounced it on 6th December 1519 in favour of Earl

¹ Vol. ii. of this work, p. 307.

² *Ibid.* p. 309.

³ Original Inventory in Charter-chest of Duke of Montrose.

⁴ Original Charter and Instrument, *ibid.*

⁵ Original Instrument.

Alexander and his grandson William, but reserving to himself the enjoyment of the office during the remainder of his life.¹

The Earl was present in Parliament on 10th July 1525,² and he is last mentioned as ratifying his brother Henry's charters in October 1534 at Inchmahome. He probably died in 1536 or 1537. The names of his children are :—

1. William Graham, Master of Menteith, Lord Kilpont, who succeeded his father in the earldom.
2. Walter Graham, who was a witness to the instrument of sasine of the earldom of Menteith in favour of his elder brother, is said to be the ancestor of the Grahams of Gartur, in the parish of Port, who made claim to be the heirs-male and representatives of the Graham Earls of Menteith. John Graham, the last male representative of the Gartur line, died in 1818, and was buried in the Priory of Inchmahome. A marble tablet to his memory is placed in the inside of the north wall. From this Walter Graham the Grahams in Shannochiel, in the parish of Port, also claim descent. A pedigree of that family, now represented by Charles Graham Stirling, Esq. of Craigharnet, in the county of Stirling, is given in a cognate work.³
3. Marion, married to Robert Buchanan of Leny.⁴

¹ Original Instrument in Charter-chest of Duke of Montrose.

² Acts of the Parliaments of Scotland, vol. ii. p. 292.

³ The Stirlings of Keir, by William Fraser, pp. 127-136.

⁴ *Ibid.* p. 415.

III.—WILLIAM GRAHAM, THIRD EARL OF MENTEITH.

MARGARET MOUBRAY, HIS COUNTESS.

1537—1544.

WILLIAM GRAHAM, the eldest son of Earl Alexander, succeeded his father as Earl of Menteith, and was infeft in the earldom on the lands of Ernchome, near the shore of the lake of Inchmahome, on 16th May 1537.¹

Previous to 16th June 1521, William Graham, Master of Menteith and Lord of Kilpont, married Margaret Moubray, a daughter of John Moubray of Barnbogle; and, probably to provide themselves in a home, they, as assignees of Earl Alexander, took advantage of a letter of reversion made by Walter Graham of Lochtoun to Alexander, Earl of Menteith, whereby the latter or his heirs could redeem, for a sum of five hundred merks, the lands of Lochtoun, with the island thereof, the Mylntoun and Kirkton of Aberfoyle, and other lands. To effect this, they caused their procurator, Thomas Graham, proceed to the parish church of Aberfoyle, and in the time of high mass warn Walter Graham and all others interested to appear on the last day of July following, at the high altar in the parish church of the Holy Cross of Stirling, and there receive from William and Margaret, or their procurators, the sum of money stated for the redemption of the lands. A notarial instrument instructs that the requisition was duly made.²

In the same year also he took steps, along with his father Earl Alexander, to effect the redemption of the lands of Kilbride from his father's uncle, the

¹ Original Instrument in Charter-chest of Duke of Montrose.

² Original Instrument, *ibid.*

same Walter Graham, by the issue of a premonition;¹ and about that time he and his spouse, Margaret Moubray, were infeft in several lands in Menteith.² A few years later, in 1528, in conjunction with his father, he redeemed the lands of Crantulliche and Glaschyle from Lord Drummond, into whose possession they had probably come by mortgage;³ and in 1534 he obtained the lands of Boquhaple and Drongy from the laird, Robert Norie, by a charter,⁴ which was confirmed by King James the Fifth on 16th February 1536,⁵ in which year William was also infeft in the lands.⁶

In 1537, when infeft in the earldom of Menteith, he had separate sasines of the lands of Kilpont and two parts of the lands of Kilbride.⁷ Shortly after his succession to the earldom, on 14th May 1539, this Earl, as superior of the lands of Illieston, granted a precept for the infeftment of James, Earl of Arran, in these lands.⁸

With the exception of these few transactions in connection with the lands of Menteith, very little is on record concerning this Earl. He is mentioned as being present in Parliament on 10th December 1540, and as having appended his seal to two important measures passed by that convention,⁹ but nothing further is known of his life.

The death of the Earl was somewhat tragical. It occurred in the year 1543 or 1544, under the following circumstances:—An expedition of the Stewarts of Appin, under the command of Donald the Hammerer, Tutor of Appin, returning from Stirlingshire through the lands of Menteith, reached a house where a wedding feast had been prepared, to which the Earl of

¹ Old Inventory of Menteith Papers in Charter-Chest of Duke of Montrose.

² Another Old Inventory, *ibid.*

³ *Ibid.* ⁴ *Ibid.*

⁵ Registrum Magni Sigilli, Lib. xxv. No. 282.

⁶ Old Inventory of Menteith Papers, *ut supra.*

⁷ *Ibid.*

⁸ Vol. ii. of this work, p. 311.

⁹ Acts of the Parliaments of Scotland, vol. ii. pp. 355, 404, 405.

Menteith had been invited. The opportunity offered for appeasing their hunger proved too much for the Stewarts, who, regardless of consequences, devoured all the viands and proceeded on their way. The Earl of Menteith and his party arrived soon afterwards, and, unable to stifle their indignation at the insult thus offered them, at once set off in pursuit. They overtook the offenders at Tobanareal, a spring on the summit of the ridge which separates Menteith from Strathgartney, between Loch Katrine and the Lake of Menteith. A sanguinary engagement ensued, in which the Earl and nearly all his followers were slain, while Donald Stewart is said to have escaped under cover of night with only a single follower.¹

By his Countess Margaret, who survived him, Earl William had five sons and one daughter.

1. John Graham, Master of Menteith and Lord Kilpont, who succeeded his father in the earldom.
2. Andrew Graham, who, in 1547, received the lands of Boquhapple from his brother John, Earl of Menteith, and was infeft therein.² He appears to have died in the same year, unmarried.
3. Robert Graham. In 1547 he was infeft in the lands of Wester Boquhapple by his brother John, fourth Earl of Menteith, from whom he received a liferent gift of the lands.³ They were sold by Robert to his brother-in-law, Archibald, Earl of Argyll, and Colin Campbell, son of the Earl and his Countess, Margaret Graham; and a precept for a charter of confirmation of the charter of alienation and sale was granted on 29th August 1553.⁴

¹ Captain Burt's Letters, by Robert Jamieson, Esq., F.S.A., vol. i. p. lxxiii.

² Old Inventory of Menteith Papers in Charter-chest of Duke of Montrose.

³ *Ibid.*

⁴ *Registrum Secreti Sigilli*, vol. xxvi. fol. 4. The reason of this transaction is explained by documents in the Charter-chest of the Duke of Argyll, which show that in embarrassed circumstances Robert Norie of Boquhapple

On 23d May 1547, Robert Graham acquired by charter from Alexander Makawlay of Erngabill the two merk land of Gartmore, to be held by him and the heirs of his body, whom failing, by Gilbert Graham, his brother-german, and his heirs whomsoever. The charter is dated at Inchmahome, one of the witnesses being "Jacobo Bad, canonico professo dicti monasterij."¹ On 3d May 1554, a charter of sale was granted by Walter M^cAwlay of Gartmore to Robert Graham, brother-german of John, Earl of Menteith, and the heirs of his body; whom failing, to Gilbert Graham and the heirs of his body; whom failing, to the nearest heirs of Robert whomsoever, of the twelve merk land of old extent of Gartmore. Among the witnesses are Gilbert Graham, brother-german of John, Earl of Menteith, and Malise Graham, not designed.² This charter was confirmed by Queen Mary on 24th January following.³ Robert Graham married Elizabeth Erskine, and on 19th June 1563 a charter of resignation was granted by Queen Mary to Robert Graham of Gartmore,

had sold his lands of Easter and Wester Boquhaple at different times to William, third Earl of Menteith, when Master of Menteith, to Countess Margaret, and to John Wright in Dunblane, taking letters of reversion from each. These reversions were assigned in July 1550 by John Norie of Boquhaple, after the death of Robert Norie, to Archibald, Earl of Argyll. On 29th May 1551, Agnes Norie, daughter and heir to the deceased Robert Norie, with consent of Robert Buchanan her husband, renounced in favour of Robert Graham, son to the Earl of

Menteith, her right to a reversion granted to her father by Margaret, Countess of Menteith, for redemption of the four merk land of Wester Boquhaple-Nory, in the stewartry of Menteith, upon payment of four hundred and twenty merks Scots. On 14th February 1552, Archibald, Earl of Argyll, in liferent, and Colin Campbell his son, in fee, were infeft in the four merk land of Wester Boquhaple, on a precept of sasine by Robert Graham.

¹ Original Charter at Gartmore.

² Original Charter, *ibid.*

³ Original Charter, *ibid.*

brother-german of John, Earl of Menteith, and Elizabeth Erskine his spouse, in conjunct-fee and liferent, and their heirs, whom failing, to the heirs of the said Robert whomsoever, of the half of the twelve merk land of Gartmore.¹ This was followed by a precept of the same date for their conjunct infeftment in the lands of Gartmore.² Again, on 22d April 1568, King James the Sixth granted a charter to Robert Graham of Gartmore, and Elizabeth Erskine his spouse, in conjunct-fee and liferent, and the heirs of Robert; whom failing, the heirs of the body of Gilbert Graham, brother-german of Robert; whom all failing, to the heirs of Robert whomsoever, of the twelve merk land of Gartmore.³ Robert Graham died in May 1572, apparently without issue, as his nephew, William Graham, was the heir of entail. Robert was survived by his wife, Elizabeth Erskine.

4. Gilbert Graham, frequently mentioned in the Gartmore charters to Robert Graham as his brother-german. In a back-tack or lease granted by him to John Blackader of Tulliallan and Margaret Haccarsoun his spouse, of part of the lands of Tulliallan, on 27th April 1551, he calls himself "Gilbert Grahame, brother-germane to ane nobill and mychty lord, Johnne, Erll of Menteyth."⁴ He received, on 3d April 1554, a respite for nineteen years for the abduction of Isobel Sandilands, lady of Gardane, and for treasonable intercommuning with the late William, Earl of Glencairn, at the field of Glasgow.⁵

It was probably after the death of the Countess Margaret his

¹ Original Charter at Gartmore.

⁴ Original Lease in Charter-chest of David

² Registrum Secreti Sigilli, Lib. xxxi. p. 122.

Erskine, Esq. of Cardross.

³ Original Charter at Gartmore.

⁵ Registrum Secreti Sigilli, vol. xxvii. fol. 34.

mother, and Walter Graham his brother, that the lands of Gartavertane-Lindsay came into the hands of Gilbert Graham, who, on 21st January 1572, resigned them into the hands of the Regent Morton, for a regrant in favour of William his son and apparent heir.¹ On the same day William received a Crown Charter of the lands,² and was infeft in them by virtue of a precept from Chancery on 23d March following.³

William Graham of Gartavertane, on 25th June 1577, obtained a service of himself as heir of taillie to his uncle (patruus), Robert Graham of Gartmore. The retour states that he was of lawful age by virtue of the King's letters of dispensation, and that the lands were now in the hands of Elizabeth Erskine, relict of the late Robert Graham, by reason of her conjunct infeftment, and through default of the said William not having hitherto prosecuted his claim.⁴ In 1573, William, fifth Earl of Menteith, was retoured heir of conquest to his uncle, Robert Graham of Gartmore.⁵

William Graham of Gartavertane married Janet Graham. They received, on 3d January 1583, a charter by John Drummond of Drongy, and Matilda (Mawsie) Graham his wife, of the lands of Wester Gartavertane, to be held by them in conjunct-fee and liferent, and their heirs, whom failing, by the heirs whomsoever of William.⁶ William Graham died about the year 1589, leaving a young son, Robert; and before 1591, Janet Graham, Lady Gartmore, his widow, was married to Colin

¹ Original Instrument at Gartmore.

² Original Charter, *ibid.*

³ Original Instrument of Sasine, *ibid.*

⁴ Original Retour at Gartmore.

⁵ Original Retour, *ibid.*

⁶ Original Charter, *ibid.*

Campbell (perhaps of Ardbeith).¹ Robert probably only arrived at lawful age in 1606, when, on 27th May, he was retoured heir to his father, William Graham of Gartmore, in the twelve merk land of old extent of Gartmore, with the pendicle called the Bad, the four merk land of Gartavertane-Lindsay, and the western half of the lands of Gartavertane, called Thomlag, all in the Stewartry of Menteith.²

On 9th October 1634, Agnes Graham was retoured heir to her father, Robert Graham of Gartmore, in the same lands.³ She married John Alexander, a younger son of William, Earl of Stirling, and in 1636 disposed the lands to that Earl. They afterwards passed into the hands of Charles Alexander, brother of Henry, Earl of Stirling, and brother-in-law to Agnes Graham. He sold them to the Grahams in 1644, William Graham of Polder being the purchaser for thirteen thousand, three hundred merks Scots.⁴ This William Graham by letters of apprising against Katharine, Jeane, and Margaret Alexander, daughters and heirs-of-line of William, Lord Alexander, and granddaughters and apparent heirs-of-line to the late William, Earl of Stirling, was, on 29th January 1645, adjudged the rightful proprietor of the lands,⁵ and was infeft in them on 30th September 1652.⁶ William Graham of Polder, on 28th June 1665, was created a Baronet under the title of Sir William Graham of Gartmore, with limitation to the heirs-male of his body, and the lands

¹ Registrum Secreti Concilii, anno 1591.

² Index of Special Retours, Perthshire, No. 161.

³ *Ibid.* No. 437.

⁴ Original Documents of Sale at Gartmore.

⁵ Original Letters, *ibid.*

⁶ Original Instrument, *ibid.*

of Gartmore, Gartavertane-Lindsay, Tomaclag, and Spittal, were, in 1672, erected into the barony of Gartmore.¹

5. Walter Graham. On 16th May 1545, John Buchanan of Gartavertane granted to Margaret Moubray, Countess of Menteith, in liferent, and Walter Graham her son, and his heirs, in fee, a charter of the lands of Gartavertane, in the Stewartry of Menteith. A charter by Queen Mary, under the Privy Seal of Scotland, confirmed this grant on 20th May; and following on a precept of sasine by John Buchanan, of the same date as his charter, Countess Margaret and her son Walter were infeft in the lands on 22d May 1545.² One of the bailies for the infeftment was Andrew Graham. A new infeftment of Countess Margaret and her son Walter in these lands was made on 26th July 1548;³ but after that date nothing further is on record concerning Walter Graham, and the lands of Gartavertane are afterwards found in possession of his brother Gilbert.
6. Margaret Graham. She became the second wife of Archibald, fourth Earl of Argyll, on 21st April 1541, the marriage having been celebrated in the Priory of Inchmahome by a chaplain, as shown in the account of the Priory in a subsequent chapter. A charter of confirmation was granted by King James the Fifth on 27th April 1543, to Lady Margaret Graham and the heirs of her marriage with Archibald, Earl of Argyll, of certain lands in the shires of Argyll and Clackmannan.⁴ Their son, Colin Campbell, succeeded his father as Earl of Argyll.

¹ Original Charter at Gartmore.

³ Original Instrument at Gartmore.

² Original of these four Documents, *ibid.*

⁴ Registrum Magni Sigilli, Lib. xxix. No. 11.

IV.—JOHN GRAHAM, FOURTH EARL OF MENTEITH.

MARION SETON, HIS COUNTESS.

1544—1564.

JOHN GRAHAM succeeded his father as Earl of Menteith in 1544, and as such sat in Parliament and Privy Council, but he was not infeft in the earldom till the 26th May 1547, although for the purpose of implementing a contract made between Earl William and James Stirling of Keir he granted, on 7th April 1544, a procuratory for having himself served heir to his father in the half lands of Lany and Petquhonderty, and infeft therein, in order to his resigning them again in favour of Janet Buchanan, one of the heirs of the late Patrick Buchanan of Lany.¹

He was infeft in the same year in the lands of Kilpont and Illieston,² was retoured heir to his father in the earldom in 1546,³ and in the following year, when his infeftment in the earldom took place, he received sasine of the lands of Kilbride, with the mill thereof, the two and a half merk lands of Wester Boquhaple, and the third part of the five merk land of Drongy.⁴ In the same year he bestowed the lands of Boquhaple upon his brother Andrew, and on the latter's death, apparently in that year, he infeft another brother, Robert Graham, afterwards of Gartmore, in the same lands.⁵ The lands of Kilpont he granted to his Countess, Marion Seton, in liferent, and they

¹ The Stirlings of Keir, by William Fraser, p. 381.

² Old Inventory of Menteith Papers, in Charter-chest of Duke of Montrose.

³ *Ibid.*

⁴ Original Instrument of Sasine, *ibid.*

⁵ Original Inventory, *ibid.*

were confirmed to her in 1550.¹ A signature of the whole of Kilbride was granted to the Earl and his Countess in 1558.²

Earl John sat in Parliament in 1545, both in its meeting at Stirling in June, when he pledged himself along with the governor and the rest of the nobility to proceed with the King of France against the "auld inimy" of England, and at Linlithgow in October.³ He was present at a meeting of Privy Council in the following February,⁴ and at another meeting on 17th March 1546, he subscribed one of their Acts passed for the protection of Queen Mary's heralds, pursuivants, and other messengers, who, from the nature of their work, frequently got a very unwelcome reception.⁵

John, Earl of Menteith, was one of the Scottish nobles who accompanied the young Queen Mary to France. She had found temporary protection in the island of Inchmahome in the Lake of Menteith, in close proximity to the Earl's residence on Inchtalla, and the Earl was now honoured to be one of her guardians during the voyage. They embarked at Dumbarton early in August 1550, and the voyage only occupied a few days. The Earl of Menteith probably returned to Scotland with the Queen Dowager, as he was present with her at meetings of the Privy Council at Stirling on 20th March 1552, again at Perth on 19th July 1553,⁶ and he subscribed the bond granted by the Queen Dowager on 12th April 1554 to the Duke of Chatelherault, on the latter's demission of the regency.⁷ He received from Queen Mary, Dowager, on 16th August 1554, a commission as justiciar over both the earldom and the Stewartry of Menteith.⁸

¹ Original Inventory in Charter-chest of Duke of Montrose.

² *Ibid.*

³ Acts of the Parliaments of Scotland, vol. ii. pp. 455, 595.

⁴ Register of the Privy Council of Scotland, vol. i. p. 22.

⁵ Register of the Privy Council of Scotland, vol. i. p. 60.

⁶ *Ibid.* pp. 119, 141.

⁷ Acts of the Parliaments of Scotland, vol. ii. p. 603.

⁸ Vol. ii. of this work, p. 313.

He sat again in a Parliament held by the Queen Regent at Edinburgh in November 1558,¹ but in the following year, becoming displeased with her conduct, he forsook her party and joined the Lords of the Congregation. He took this step when the army of the Congregation lay before Perth, and was present at the surrender of that town in June 1559.² With the rest of the Lords of the Congregation, on 10th September, at Hamilton, he joined in a letter of remonstrance to the Queen Regent for allowing the French to fortify Leith;³ and subscribed with them, at Stirling, on 24th December, an extended commission to Secretary Lethington, then in London, for maintaining negotiations with Queen Elizabeth; and in the following February, subscribed the treaty of Berwick, whereby Queen Elizabeth pledged herself to assist the Lords of the Congregation in driving the French out of Scotland, while these Lords in return promised to send succour into England should the French invade that kingdom. The Earl of Menteith gave his second son George as one of the hostages for the observance of the treaty.⁴

He adhered faithfully to the Lords of the Congregation, and was one of the leaders of their army at the siege of Leith in 1560. After the death of the Queen Regent and the restoration of peace, he sat in the Parliament of 1560, which established the Reformation, and ratified the Scots Confession,⁵ and was nominated among the twenty-four noblemen, of whom twelve were to be chosen, as members of the Privy Council.⁶ When the Scottish Parliament sent their proposal to Queen Elizabeth that she should marry the Earl of Arran, eldest son of the Duke of Chatelherault, he adhibited his name.⁷ Although not a member of the Privy Council, he was present at

¹ Acts of the Parliaments of Scotland, vol. ii. p. 503.

² Calderwood's History, vol. i. p. 470.

³ *Ibid.* p. 518.

⁴ *Ibid.* pp. 578, 581.

⁵ Acts of the Parliaments of Scotland, vol. ii. p. 525.

⁶ Tytler's History of Scotland, vol. v. p. 148.

⁷ Acts of the Parliaments of Scotland, vol. ii. p. 606.

one of its meetings in the following year,¹ and about the same time subscribed the first Book of Discipline.²

John, Earl of Menteith, seems to have been alive at the end of June 1564, and to have been present in the General Assembly held in that month, as on a complaint by some labourers of the ground about the rigorous exaction of the tithes, the Earl of Menteith promised, with other noblemen and lairds, to be content with either money or victual.³ He died, however, in that year, as at the infestment of his son and heir on 20th November 1571, the earldom is said to have been in the hands of King James the Sixth and his mother, Queen Mary, for the space of seven years and a term.⁴

By his marriage with Marion Seton, daughter of John, fifth Lord Seton, and Elizabeth Hay, daughter of John, Lord Yester, John, Earl of Menteith, had two sons and two daughters. After the Earl's death Countess Marion married John, tenth Earl of Sutherland, as his third wife, and with him was poisoned in July 1567, at Helmsdale in Sutherland, by Isabel Sinclair, the wife of Gilbert Gordon of Gartay, at the instigation, it is said, of George Sinclair, Earl of Caithness.⁵

The names of Earl John's children were:—

1. William Graham, Master of Menteith, Lord Kilpont, who succeeded his father in the earldom.
2. George Graham, ancestor of the Grahams of Rednoch. He was one of the hostages given by the Lords of the Congregation to Winter, the English admiral, for the observance of the treaty of Berwick, and by the terms of the agreement was to remain in

¹ Acts of the Privy Council of Scotland, vol. i. p. 192.

² Calderwood's History, vol. ii. p. 50.

³ *Ibid.* p. 282.

⁴ Original Instrument of Sasine in Charter-chest of Duke of Montrose.

⁵ Genealogical History of the Earldom of Sutherland, by Sir Robert Gordon, p. 146.

England for a period of six months.¹ On 12th December 1579, he acquired from Malise Graham, vicar of Aberfoyle, a lease of the half of the rents, profits, and emoluments of the vicarage of the parish kirk of Aberfoyle, in the earldom of Menteith, during his life only, paying therefor yearly £20 Scots. He signed the lease as George Graham, brother to my Lord of Menteith. It is witnessed by Walter Graham, fiar of Duchray, James Stirling of Auchyll, and John Stirling his brother.² After the death of his elder brother, William, fifth Earl of Menteith, he became tutor-in-law to his nephew, John, the sixth Earl, during his nonage, and was commonly known as tutor of Menteith. So he styles himself and is designated by others, as appears from an obligation granted by Sir George Buchanan of Buchanan to him, on 8th January 1584, for repayment of a loan of £200 Scots, and from the acknowledgment by George Graham of Rednoch, tutor of Menteith, for its repayment on 30th June 1585.³ As tutor of Menteith he was cited on 20th January 1585 to appear before the Privy Council, and supply information by which the thefts and other crimes then prevalent around Menteith might be repressed.⁴ He probably died in that year.

George Graham married and had two sons. James the elder, as his son and heir, received charters of confirmation of the lands of Easter Rednoch from King James the Sixth, on 12th February 1584 and 12th June 1598.⁵

¹ Calderwood's History, vol. i. p. 581.

² Original Lease at Gartmore.

³ Original in Charter-chest of Duke of Montrose.

VOL. I.

⁴ Register of the Privy Council of Scotland, vol. iii. p. 718.

⁵ Registrum Magni Sigilli, ms. Lib. xxxvi. No. 116, xli. No. 397.

After the death of James Graham, his brother John, on 10th March 1619, was served heir to him in Easter Rednoch, and also in the lands of Mondowie in Stirlingshire,¹ which had been acquired by the elder brother in 1603.² John Graham of Rednoch had two daughters. Marian, the elder, married John Graham of Duchray, who obtained through her the lands of Rednoch. Anne, the younger daughter, married Alexander Colquhoun of Camstradden.³ The lands of Mondowie were granted by John Graham of Rednoch to William, Earl of Airth and Menteith, in 1635.⁴

3. Lady Mary, who married John Buchanan of Buchanan, and was commonly known as Lady Buchanan. A precept was granted by Queen Mary on 10th November 1561, for confirming a charter of alienation, made by the late George Buchanan of that Ilk to Mary Graham, elder daughter (*seniori filie*) of John, Earl of Menteith, in liferent, of the lands of Gartfarin, Arrochbeg, Blair, and Ardule, in the barony of Buchanan and shire of Stirling.⁵

A gift of the ward of the lands of George Buchanan of Buchanan, which comprised the lands of Gartquhorie, Ardbeg, Blair, Cassillie, Arrochdaill, Cortcorplay, Stronecluchane, Dowglengyle, Auchedunereith, and Portnellans, was given after his decease, on 23d October 1561, to Earl John and his heirs.⁶

4. Lady Christian Graham, who married, before 1553, Sir William Livingstone of Kilsyth,⁷ and had issue.

¹ Index of Retours, Perthshire, No. 265; Stirlingshire, No. 96.

² Original Instrument of Sasine at Gartmore.

³ The Chiefs of Colquhoun, by William Fraser, vol. ii. pp. 204, 205.

⁴ Original Charter at Gartmore.

⁵ Registrum Secreti Sigilli, Lib. xxx. p. 75.

⁶ *Ibid.* p. 56.

⁷ Registrum Magni Sigilli, Lib. xxxi. No. 163.

V. WILLIAM GRAHAM, FIFTH EARL OF MENTEITH.

MARGARET DOUGLAS (OF DRUMLANRIG), HIS COUNTESS.

1564—1579.

A CONSIDERABLE time intervened between the death of the fourth Earl and the investment of his eldest son William, as fifth Earl, in the earldom and other lands, owing to the latter not being of lawful age; but in the interval, on 10th April 1565, Queen Mary, by letters under the Privy Seal, granted to William Graham, son and heir-apparent to the late John, Earl of Menteith, the ward and nonentry, with the mails, farms, profits, and duties of all the lands and rights possessed by the late Earl, so long as they lay in the hands of the Crown, until the lawful entry of the rightful heir or heirs, they being of lawful age; and likewise granting to him, his heirs and assignees, his own marriage, and the profits thereof, or, in the event of his death unmarried, the marriage of any heirs male or female that should succeed to him or the late Earl in his lands and heritage. In connection with this gift a contract was made between Earl William and his mother, Lady Marion Seton, by which the latter, with her own money, settled the composition with the Queen's treasurer, and in return for this she, and failing her, her children, with the exception of William, and Mary Graham Lady Buchanan, were entitled to uplift the rents, etc., of the earldom and other lands, the heir's expenses being first deducted, until she reimbursed herself of the amount expended by her in procuring this gift.¹

Although still in his nonage, William Graham was acknowledged Earl of Menteith, and was appointed one of the commissioners of Parliament to

¹ Original Gift in Charter-chest of Duke of Montrose.

receive the renunciation and demission by Queen Mary of the sovereign authority, and thereafter to inaugurate the young Prince James as King.¹ He was accordingly present at Stirling on 29th July 1567, the occasion of the coronation of King James the Sixth, and executed his commission by taking part in receiving the demission by Queen Mary presented by Patrick, Lord Lindsay of the Byres, and William, Lord Ruthven, and thereafter assisting at the inauguration of the Prince.² He was a member of the Parliament which sat in December of the same year, and ratified these proceedings.³ After Queen Mary's escape from Lochleven, Earl William joined the forces of the Regent Murray, and was present at the battle of Langside on 13th May 1568.⁴ He sat in the meeting of the Privy Council three days later at Glasgow,⁵ and was present at the meeting of Parliament held in August of the same year.⁶ In the beginning of 1569 he attended the meeting of the Council on the return of the Regent Murray from England,⁷ and also the Convention held at Perth in July of the same year.⁸

On 16th May 1571, at Leith, Earl William, with consent of Peter Cornwall of Ballinhard and John Graham of Ballindorane, his curators, entered into a marriage-contract with Sir James Douglas of Drumlanrig, and Sir William Douglas of Hawick his son, on behalf of Lady Margaret Douglas, widow of Edward, Lord Crichton of Sanquhar, by which he was to marry that lady. In the event of his dying before her, she was, in satisfaction for her terce, to receive in liferent the earldom of Menteith,

¹ Acts of the Parliaments of Scotland, vol. iii. p. 12.

² Register of the Privy Council of Scotland, vol. i. pp. 537, 541.

³ Acts of the Parliaments of Scotland, vol. iii. p. 4.

⁴ Calderwood's History, vol. ii. p. 415.

⁵ Register of the Privy Council of Scotland, vol. i. p. 623.

⁶ Acts of the Parliaments of Scotland, vol. iii. pp. 47-56.

⁷ Register of the Privy Council of Scotland, vol. i. p. 644.

⁸ *Ibid.* vol. ii. p. 2.

and the twenty pound land of old extent of Kilbride, lying in the Stewartry of Strathern, until the Earl was lawfully infest in the fifteen pound lands of Kilpont, held by him from John, Earl of Montrose, when he was to infest Lady Margaret therein, and that being done, she became bound to give up her claim to the earldom of Menteith. To implement the terms of the marriage-contract, a charter was granted by Earl William at his residence of Illintuleich, on the 8th of December the same year, and thereafter the whole party concerned in the making of the charter proceeded to Leith, where it was confirmed by King James the Sixth on the 12th of the same month, in presence of the witnesses to the Earl's charter.¹

Meanwhile steps had been taken to obtain a dispensation from the Crown, so that the young Earl might at once enjoy his earldom and lands, and this was granted by King James the Sixth (through the Regent Mar, who subscribed the document) at Leith, on 28th October 1571.² He was accordingly, on the 20th of the following month, infest in the earldom of Menteith, the lands of Kilbride and mill thereof, the two and a half merk land of Wester Boquhaple, and the third part of the five merk land of Drongy.³ Earl William was also infest in the lands of Kilpont in the year 1572.⁴

After the death of his uncle, Robert Graham of Gartmore, in 1572, the Earl, on 6th November 1573, obtained a service to him as heir of conquest,⁵ and, on the 27th of the same month, was infest in the lands of Gartmore.⁶ These lands, according to the charter, were to descend, in the event of the death of Robert Graham without heirs, to his brother Gilbert

¹ Registrum Magni Sigilli.

⁴ Old Inventory in Charter-chest of Duke

² Original Dispensation in Charter-chest of Duke of Montrose.

of Montrose.

⁵ Original at Gartmore.

³ Original Instrument of Sasine, *ibid.*

⁶ Original in Charter-chest of Duke of Montrose.

Graham and his heirs. Gilbert may have predeceased his brother Robert, as he does not appear to have laid claim to the lands, and his son William was a minor. The latter was served heir of taillie to his uncle Robert in the lands of Gartmore, and was infeft in them in 1577.¹ By a renunciation of one Gilbert Graham, not designed, the Earl obtained possession in 1576 of the lands of Gartrenich.²

Earl William was about this time employed by King James the Sixth, on the advice of the Regent Morton, to apprehend and try a number of Highlanders (whose names all began with "Mac") for theft and reset of theft, and received a Commission of Justiciary under the Great Seal, dated at Holyrood, 2d May 1574.³ After this he is thrice mentioned as a member of the Regent Morton's Council, in February and August 1577,⁴ and once in April 1578 after the assumption by King James of the regal authority,⁵ having been appointed one of the councillors extraordinary, who were only summoned at the King's pleasure.⁶

In this Earl's time an unhappy feud broke out between the vassals of Menteith and those of Walter Lecky of Lecky. The cause from which it sprang is said to have been "licht and slendir," yet it had resulted in the slaughter of several persons on both sides. The matter came under the notice of the Privy Council, who granted time for an amicable arrangement, but the result was only a renewed outbreak of hostilities and slaughter, whereupon the Council, on 23d May 1577, caused both the Earl of Menteith and Walter Lecky to be cited. Sureties being required for the Earl's compareance in

¹ Original Retour and Instrument of Sasine at Gartmore.

² Old Inventory in Charter-chest of Duke of Montrose.

³ Original Commission, *ibid.*

⁴ Register of the Privy Council of Scotland, vol. ii. pp. 588, 591, 622.

⁵ *Ibid.* p. 683.

⁶ Acts of the Parliaments of Scotland, vol. iii. p. 119.

February 1578, Hugh, Earl of Eglinton, and George Buchanan of Buchanan became bound, under a penalty of £5000, that he would appear before the Council on 1st April next, and that he and his servants and dependants would keep good rule in the country.¹

Earl William died in 1579. He married, as already mentioned, Margaret Douglas, daughter of Sir James Douglas of Drumlanrig, and widow of Edward, Lord Crichton of Sanquhar, and by her, so far as known, he had only two sons:—

1. John Graham, Master of Menteith, Lord Kilpont, who succeeded his father in the earldom.
2. George Graham, who married Grissel, daughter of Henry Stirling of Ardoch, and was designed George Graham in Downance, brother-german to John, Earl of Menteith. He died before 23d June 1619, leaving his widow and a young son John, who at that date was under the tutelage of William, seventh Earl of Menteith.²

¹ Register of the Privy Council of Scotland, vol. ii. pp. 612, 672, 729.

and her son's right to lands of Downance in favour of William, seventh Earl of Menteith,

² Renunciation by Grissel Stirling of her

in Charter-chest of Duke of Montrose.

VI.—JOHN GRAHAM, SIXTH EARL OF MENTEITH.

MARY CAMPBELL (OF GLENORCHY), HIS COUNTESS.

1579—1598.

BY the death of Earl William, when his son and heir was a boy of seven or eight years, the earldom of Menteith again became a ward of the Crown, and was placed, along with the young Earl, under the guardianship of his paternal uncle, George Graham, who was henceforth known as Tutor of Menteith. Owing to this Earl being in minority for the greater part of the nineteen years during which he was in possession of the earldom, little is known of his personal history. On 9th July 1581, John, Earl of Montrose, granted a precept of *clare constat*, declaring John, now Earl of Menteith, nearest and lawful heir to William, Earl of Menteith, his great-grandfather, who died last vest and seised in the lands of Kilpont and Illieston in Linlithgowshire, and instructing his bailies to infeft him in these lands.¹ Afterwards, in 1597, the Earl of Montrose refused to infeft Earl John, and the precept was given by King James the Sixth.²

Earl John was retoured heir to his father in the earldom of Menteith in 1583,³ and after the death of his tutor, George Graham, the last mention of whom occurs in 1585, and while under another, John Graham of Fintry, Tutor of Menteith,⁴ steps were taken to procure his infeftment in the earldom. As

¹ Original Precept in Charter-chest of Duke of Montrose.

² Old Inventory of Menteith Writs, *ibid.*

³ *Ibid.*

⁴ Precept by King James the Sixth and Lords of the Privy Council, dated 3d Decem-

ber 1586, in which, among others, the Earl of Menteith is required to find sureties in £5000, and his Tutor, John Graham, in £2000, not to permit their tenants to harass those of Lady Weem. [Appendix to Sixth Report of the Historical Manuscripts Commission, p. 708.]

at this time Earl John would not be quite fifteen years of age, letters of dispensation were obtained from King James the Sixth, on 7th October 1587, by virtue of which the Earl, on the 21st of the same month, was served heir to his father in the third part of the lands and mill of Kilbride, the liferent of which was reserved to his mother, Lady Margaret Douglas, Countess of Menteith.¹ It was probably on the strength of the same dispensation that he was infeft in the earldom, and the lands of Kilbride, Drougy, and Boquhaple.²

On 22d October in the same year, when he was about fifteen years of age, Earl John, with consent of his curators, entered into a contract of marriage with Mary Campbell, sister of Duncan Campbell of Glenorchy, who paid eight thousand merks as her dowry,³ and it was arranged that she should be infeft in liferent in the lands of Kilpont.

A lawsuit arose after this between the Earl and the Dowager Countess of Menteith, respecting the custody of some of the charters of the earldom. These, the Countess alleged, had been committed to her custody by the late Earl William her husband, but were now demanded by Earl John and his tutor, the Laird of Fintry.⁴ A counter action was raised against certain parties before the Lords of Privy Council, by Lady Margaret Douglas, Dowager Countess of Menteith, for assault and forcibly entering the place of Kilwode (Kilbride), which seems to have been in connection with the other action, as Earl John was afterwards required to find caution that his mother should not suffer injury. He was also put under caution, about the same time, that Janet Graham, Lady Gartmore, her son Robert Graham, and her second husband Colin Campbell, should not be molested.⁵

¹ Extract Retour printed in Airth Peerage Minutes of Evidence, 1871, p. 56.

² Old Inventory of Menteith Charters in Charter-chest of Duke of Montrose.

³ The Black Book of Taymouth, p. 29.

⁴ Old Inventory of these Charters in Charter-chest of Duke of Montrose.

⁵ Privy Council Record, annis 1587-1591.

But little more is known of this Earl. He entered into a mutual bond of friendship with Malcolm Macpharlane, fiar of Gartavertane, on 6th March 1597, at Downance, in which they pledged themselves to assist one another against their enemies, excepting the name of Graham, the King, and certain others.¹ He died in December 1598.²

By his Countess, Mary Campbell, who, after his death, married Colin Campbell of Lundie,³ whom she also survived, John, Earl of Menteith, had one son and one daughter:—

1. William Graham, Master of Menteith and Lord Kilpont, who succeeded him in the earldom.
2. Lady Christian. She had the right to the equal half of the gift of her brother's marriage, and having renounced it in his favour, he, on 20th January 1615, executed a deed for payment to her of four thousand merks Scots, with certain restrictions, when she should "be cled with ane husband."⁴ She married Sir John Blackader of Tullialan, who was created a Baronet of Nova Scotia; by patent dated 28th July 1626.

¹ Vol. ii. of this work, p. 316.

² Extract Retour of William, seventh Earl of Menteith. Printed in Minutes of Evidence in Airth Peerage Case, 1871, p. 57.

³ Contract of 1618, noticed in Memoir of William, the seventh Earl.

⁴ Original Assignation in Charter-chest of Duke of Montrose.



Jameson, pinxit

WILLIAM GRAHAM, SEVENTH EARL OF MENTEITH,
AFTERWARDS EARL OF STRATHERN AND EARL OF AIRTH.
BORN 1589. DIED 1671.

VII.—WILLIAM GRAHAM, SEVENTH EARL OF MENTEITH,
EARL OF STRATHERN AND FIRST EARL OF AIRTH.

LADY AGNES GRAY, HIS COUNTESS:

1598—1661.

BY the death of Earl John at a comparatively early age, while his son was only in his boyhood, the earldom of Menteith and the young Earl William were left to the care of curators. This was the third instance of succession of minors during the possession of the earldom by the Grahams. In Earl William's case, there being no uncle or agnate to undertake the tutory, his ward was given, in 1598, to his mother, and James and George Elphinstone, between whom a contract was made in the same year. In 1600 the Countess of Menteith disposed the ward to George Balfour, who in turn transferred it to her second husband, Colin Campbell of Lundie.¹

Earl William is said to have been born in 1589,² but the true date of his birth is probably a year or two later, as in 1610, twenty-one years afterwards, when he was retoured heir to his father, he required a dispensation from the Crown, on account of his not being of lawful age.³ Of all the Earls of Menteith of the house of Graham, this William, the seventh Earl, was the most distinguished in history. From comparative obscurity he rose with great rapidity to be the most influential nobleman in his country. He enjoyed the unrestricted confidence of his sovereign, by whom honours were conferred upon him in quick succession; but when he had, as it were,

¹ Old Inventory of Menteith Charters, in Charter-chest of Duke of Montrose.

² History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, p. 29.

³ Extract Retour printed in Airth Peerage Minutes of Evidence, 1871, p. 57.

reached the very zenith of his aspirations, the fabric upon which he leaned proved unstable, and he suddenly fell to a position lower than that which he occupied before his sudden elevation to power.

On 14th July 1610, the curators of Earl William obtained the letters of dispensation mentioned above, for obviating the impediment to his infeftment in the earldom from his not being of full age, and on the 7th August following he was served heir to his father, Earl John. In the retour of service he is declared heir to his father in the whole earldom of Menteith, the second and third parts of the lands and mill of Kilbride, the two and a half merk lands of Boquhapple, and the third part of the five merk land of Drongy,¹ and he was duly infeft in these lands in the following year.² Shortly after this the marriage of the young Earl was arranged, and on the 26th of February 1612, and some following days, the terms of a contract between him, with consent of Lady Agnes Gray his future wife, and her father, Patrick, Lord Gray, on one hand, and Lady Mary Campbell, Countess of Menteith, his mother, with consent of Colin Campbell of Lundie her husband, on the other, whereby the Countess was infeft in liferent in the lands of Kilpont, with certain exceptions. The Earl had already bestowed the barony of Kilbride upon Lady Agnes Gray, and in 1612 she was infeft in it. In this year he also granted to her a charter of the lands of Kilpont.³ These lands being then held by his mother, this grant gave rise to contention between her and the Earl, and the latter instituted several actions against his mother before the Lords of Council and Session, for his entertainment during his minority, for cutting woods, destroying parks and growing trees, and intrusions with certain rents. However, matters were

¹ Extract Retour printed in *Airth Peerage Minutes of Evidence*, 1871, p. 57.

² Old Inventory of Menteith Charters, in *Charter-chest of Duke of Montrose*.

³ Appendix to Fifth Report of Commissioners on Historical Manuscripts, p. 631.

amicably arranged by another contract, dated 10th December 1618, and some following days, in which the Countess-Dowager (now a widow for the second time, her husband, the Laird of Lundie, being dead), out of regard to the standing of the house of Menteith and the honour and welfare of her son, renounced her liferent and every other right to the lands of Kilpont, in return for the sum of seven hundred merks yearly, and the Earl obliged himself to terminate all actions at law begun or intended against his mother.¹

About this time Earl William set himself to inspect his charter-chests in the Isle of Talla, and he prepared inventories of their contents, which bear date 21st April 1618. In these inventories all his writs were not included, as the several memoranda following, added to some of them, show :—

That thair is ane meikle greit quhyt buist within the chartour-kist, containing the number of tua hundreth eidentis of the erldome of Mentethe, Gilmertoun, and Drungie, quhilik is not inventered.

That the originall chartour of the erldome of Monteth, with tua vther greit eidentis, ar in ane litill coffer bandet with brass, and the key of the same hinging at it, and it dois ly abone the boxis quhair the eidentis of Monteth is, within the chartour-kist.

That thair is ane litill kist bandit all with brass, and the key of the samen is hinging at ane of the chartour-kist keyis, quhairintill is all the discharges.

That thair is the number of ane hundreth and fyftie euidentes lying lous in the charter-kist of the lordschipe of Kilpont, quhilik is not inventored.²

The Earl also proceeded to consolidate the earldom by redeeming lands which had formerly been comprised within it, but had passed into the possession of others. In 1619 he redeemed the lands of Downance from Grissel

¹ Original Contract in Charter-chest of Duke of Montrose.

² Old Inventory, *ibid.*

Stirling, widow of George Graham his uncle, and John Graham her son, of whom he himself was tutor-in-law.¹ In 1624, Gilbert Graham in Rednock resigned in the Earl's favour the half lands of Garthreny, the lands of Auchmore, Inchie, Gartlonabeg, and Gartlonamore;² and in 1625, Earl William reacquired from William Graham of Boquhapple the lands of Glassford, Discheratoyre, Blairruskanmore, and Blairquhople, which had been given by Earl Alexander more than a century before to the Laird of Boquhapple's great-grandfather's father, Walter Graham of Lochtoun, youngest son of Earl Malise.³

By a commission from King James the Sixth, dated 15th February 1621, Earl William was appointed justiciar for one year over the district of Menteith for suppressing and punishing crimes of theft, reset of theft, and pykrie, which are stated to have become most frequent and common within the bounds of the earldom of Menteith.⁴ It marks the earnestness with which the Earl undertook the duties of this office, that very shortly after receiving his commission, he entered into a bond, as he himself describes it, with "the haille Stewardis of Boquhidder and Strogartnay," whereby they engaged to deliver up to the Earl "all such personis of the name of Steward or induellars in the said country as sall committ any thift within his bondis, or the bondis of any of his frends or dependars."⁵ This office of justiciar was, so far as is known, his first appointment under the Crown.

Some years before, in 1617, when King James was in want of terrier dogs for his sport in England, he bethought him of the Earl of Menteith, and wrote urgently to John, Earl of Mar, then Treasurer of Scotland, to apply to the Earl about them. A similar request was made in 1624, but

¹ Original Instrument in Charter-chest of Duke of Montrose.

² Old Inventory, *ibid.*

³ Original Procuratory and Instrument of Resignation, *ibid.*

⁴ Vol. ii. of this work, p. 318.

⁵ Old Inventory, *ibid.*

the King makes no mention in it of the Earl of Menteith, thus leaving it uncertain whether his desires were gratified by the Earl. The two royal letters may be given here :—

JAMES R.

Righte trustie and righte welbeloued cosen and counsellour, wee greete you well. These are moste earnestlie to require you, as yee will do vs moste acceptable seruice and procure our exceeding greate contentment, to searche oute and sende vnto vs two couple of excellent terrieres or earth dogges, which are both stoute good fox killers, and will stay long in the grounde. Wee are credible enformed that the Earle of Monteth hath good of that kinde, who wee are sure wilbe glade to gratifie vs with them. Some also wee had of Hawkertoun, which wec haue loste. If eyther these two aforementioned haue anie, or if yee can by your diligence learne where anie other be which are excellent, wee pray you sende vs the two couple, to be with vs aboute or shortlie after Michaelmes. And assuring our selfe of your carefull diligence herein, whereby yee shall more gratifie vs then by a greater mater, wee bid you farewell. Giuen at Houghton Tour, the xvjth of Auguste 1617.

To our righte trustie and righte welbeloued cosen and counsellour, the Earle of Mar, our treasurer of our kingdome of Scotland.

JAMES R.

Righte trustie and righte welbeloued cosen and counsellour, we greete yow well. Whereas wee haue presente occasion to sende into France some of those dogges which here they calle terrieres, and in Scotlande they calle earth dogges, wee haue thoughte good by these presentes to require yow to employ your beste meanes, both by causing Sir George Ereskin to send into Argyle, and yee your selfe sending not onlie thether, but also to Glenurquhay and all your other frendes, whereby yee may gette for our vse foure or fve couple of these dogges, and sende them to vs with all expedition possible, and that ye haue a speciall care that the oldest of them be not passing three yeares of age, and that yee sende them not all in one shippe, but some in one, and other some in another, leaste one shippe shoulde miscarie. And thus requiring yow with all possible

diligence to aduertise vs of the receipte of this our letter, and how soone yee thinke to satisfie thir our desire, we bid yow farewell. Giuen at Royston, the first day of Nouember 1624.

To our righte trustie and righte welbeloued cosen and counsellour, the Earle of Mar, our treasurer of our kingdome of Scotlande.¹

In addition to the civil oversight of the district, Earl William took an interest in the spiritual welfare of his tenants. An instance of this occurred in connection with the parish of Aberfoyle, of which he was sole heritor.² That parish had been deprived of ordinances for a considerable time; "quhair neuer in no manis memorie leving, thair wes ony resident minister to preatche the word of God, nor minister his holie sacramentis, quhairthrow the maist pairt of the paroschinneris thairof remanes in great blindnes and ignorance." Mr. William Stirling had been presented to the parsonage of Aberfoyle on 27th August 1571, but he had also the vicarage of Kilmadok, and a manse in Dunblane, and to these, in 1574, was added the cure of the parish of Port.³ On 29th July 1618, the Earl made an agreement with Adam, Bishop of Dunblane, in whose diocese the parish of Aberfoyle lay, whereby he promised to add a hundred pounds yearly to the stipend, and thus raise the minister's annual salary to three hundred and fifty merks, in addition to the teinds of Boquhaple and Drumlean, and the bishop, in consideration of this offer, agreed to resign the patronage of the church of Aberfoyle in favour of the Earl.⁴ The Bishop

¹ Originals of these two letters in Charter-chest of the Earl of Mar and Kellie.

² Earl William was also possessed of the teinds of the parish. In an old Inventory of Menteith Writs in the Charter-chest of the Duke of Montrose, occurs the following entry:—"A principal contract betuixt William, Earl of Menteath, and Joseph Haddin

of Myretoun, anent the teyndis of Aberfoyl, by quhich the said teyndis are assign'd to the Earl for three lifetymis and ninten years therafter, dated March 21, 1613."

³ *Fasti Ecclesiæ Scoticanæ*, vol. ii. p. 718.

⁴ Original Agreement in Charter-chest of Duke of Montrose.

duly made resignation on 17th September 1622,¹ but the Earl seems to have been the first to fulfil the engagement, as in 1621 John Cragingelt, A.M., became minister of the parish. By the translation of Cragingelt to Alloa in 1626, the parish was again left vacant till 1629, when it was supplied by James Kirk, A.M., who was minister of Aberfoyle till his death in 1658.² Earl William had likewise engaged to obtain the glebe and manse of Aberfoyle for the pastor of the parish, and this he did by negotiations with John Graham of Polder, afterwards of Gartmore, who, on 21st March 1625, resigned and overgave, in favour of the Earl, whatever right he, his heirs and successors, or his late father, William Graham of Duchray, had in the lands called the manse and glebe of Aberfoyle.³

The Earl of Menteith's first appearance in Parliament seems to have been in the year 1621,⁴ and in that year he and Lord Ross joined in a protestation,⁵ of the nature of which the record does not inform us. On 27th December 1626, King Charles the First appointed William, Earl of Menteith, a member of the Privy Council of Scotland, and a Commissioner of Exchequer, "being credible informed," says the King in his letter to the Council, "of the sufficiencie of our right trustie and welbeloued cousen the Earle of Menteith, and of his affectioun to our service." On 18th January following the Earl was formally admitted as a member of Council, and became very regular in his attendance at their meetings. On 12th May 1627, Charles wrote to him thanking him for his services and affection, of which he had both heard and had experience, and promised to remember them when opportunity offered. He also desired the Earl to continue in his oversight of the education of Lord

¹ Vol. ii. of this work, p. 320.

² *Fasti Ecclesiæ Scoticanæ*, vol. ii. p. 718.

³ Original Renunciation in Charter-chest of Duke of Montrose.

⁴ Acts of the Parliaments of Scotland,

vol. iv. p. 593.

⁵ *Ibid.* p. 672.

Gray's eldest son.¹ From this time the Earl rose steadily in the estimation of King Charles, who fulfilled his promise by promoting him with great rapidity to some of the most important and influential offices in the Scottish administration.

By the death of John, Earl of Montrose, the presidency of the Privy Council became vacant, and the King, in whose gift the office lay, conferred it upon the Earl of Menteith in January 1628, though a councillor of only one year's standing. The Council were instructed by the King's letter of 15th January 1628 to install the new president, and they did so on 21st February following. The patent of the office was only issued on 3d December 1629,² and being exhibited and read by George, Viscount Dupplin, Lord High Chancellor, before the Privy Council on 7th January 1630, was handed by him to the Earl of Menteith.³ By virtue of his office, the Earl was entitled to rank after John Earl of Mar, Lord High Treasurer, which however, was his previous ranking as an Earl. By another commission, dated 16th May 1631, the office of President of the Privy Council was conferred on the Earl of Menteith for life.⁴

In the year 1628, Menteith was also created Justice-General, or Lord Chief-Justice of Scotland, by King Charles the First. His commission is dated 11th July, and bears that the King, after his perfect age and general revocation, considering how necessary the appointment of a Justice-General in Scotland then was, and now after the resignation of the hereditary title by Archibald, Lord Lorne, for himself and his father, Archibald, Earl of Argyll, and knowing certainly the aptitude and sufficiency of William, Earl of Menteith, his love and affection for his service and for the

¹ Vol. ii. of this work, p. 1.

² Original in Charter-chest of Duke of Montrose.

³ Extract Act of Council in Charter-chest of Duke of Montrose.

⁴ Original Commission, *ibid.*

welfare of the realm, which depends very much on the erection of the criminal court belonging to the office of Justice-General for the punishment of criminal delinquents and other violent transgressors of the laws and statutes of the realm, constituted the Earl Justice-General of Scotland for the space of one year only.¹ On 24th March 1629, when the period for which the Earl had been appointed was drawing to a close, the King granted another commission, in which he says that, understanding perfectly how that William, Earl of Menteith, had, by his industry, prudence, and diligence in certain parts of the kingdom, made good and solid provision for the preservation of justice and peace, and how necessary it was for the punishing of criminals, offenders, and violators of the laws and statutes that the work should be continued and prosecuted by him who had begun it until it be completed, he of new created William, Earl of Menteith, Justice-General for the space of one year after the 11th of July following, and further during the good pleasure of the King, always until it should be inhibited by him.² The Earl held the office until the year 1633.

King Charles placed great confidence in the tact and capacity of the Earl of Menteith, and consulted him freely on all the questions which then disturbed the northern part of the kingdom; and the Earl appears to have replied to his Majesty without reservation. A considerable number of letters which the Earl received from the King have been preserved, and are, along with other epistles from several eminent statesmen and lawyers of that time, printed in another part of this work.³ He was also repeatedly requested to give his attendance at Court, which occasioned several journeys to London. He spent part of two months there in the year 1629, and again in September of the following year. On the latter visit he was made a member of the

¹ Original Commission in Charter-chest of Duke of Montrose.

² Original Commission, *ibid.*

³ Vol. ii. pp. 1-159.

Privy Council of England, and an extract of the Act of his admission is still preserved among his papers. It is as follows:—

At Hampton Court, 26 of September 1630.

Present—

Lord Keeper.	Earl of Holland.
Lord Treasurer.	Lord Viscount Dorchester.
Lord President.	Lord Viscount Wimbledon.
Lord Priuie Seale.	Lord Viscount Grandison.
Earl Marchall.	Lord Viscount Falkland.
Lord Chamberlaine.	Mr. Treasurer.
Earl of Dorsett.	Mr. Vice Chamberlaine.
Earl of Carlile.	Mr. Secretary Coke.

Sir William Alexander.

This day William, Earle of Monteithe, Lord President of his Majesties Counsell in Scotland, and Lord Cheif Justice of that kingdome, was, by his Majesties spetiall command, signified by the Lord President, sworne of the Priuy Counsell, sate at the Boord, and signed letters. *Concordat cum Registro extractum.*

W. TRUMBULL.¹

The Earl was several times subsequently in London. During his absence from Scotland he was informed of the progress of events there by Thomas, first Earl of Haddington, and while in Scotland he had a valuable friend and correspondent at Court, Sir William Alexander, Chief Secretary in Scotch affairs, afterwards Earl of Stirling, to whom it is not improbable the Earl was considerably indebted for the favours of King Charles. Sir William wrote very frequently to the Earl, sometimes every week, and even at shorter intervals. While in Scotland Earl William, as President of the Privy Council, was the medium through whom all communications on State affairs went to

¹ Extract in Charter-chest of Duke of Montrose.

the Court, he being authorised to sign all packets concerning his Majesty's service, and in connection herewith, a notice was issued on 6th June 1629 by Charles Stanhope, Master and Comptroller-General of Posts, instructing his subordinates to facilitate the transmission of packets so signed.¹

Owing to his high position and influence with King Charles, the Earl was no stranger to solicitations for his assistance in obtaining appointments to official vacancies. One of the most importunate of his clients was the famous lawyer Sir Thomas Hope, then Lord Advocate, who, in seeking the appointment of his son as a Lord of Session, writes in terms of painful anxiety to the Earl, and it is amusing to peruse his agonised expostulations when he thinks the President is not so eager as he desires for the success of his suit. He is not unmindful to point out the defects of his son's rivals, and on one occasion, when rumour had borne to his ears the unwelcome tidings that his son had been rejected, he, with reluctant resignation, suggests other gentlemen in preference to the rivals. But the thought of his son's rejection is overpowering, his equanimity again gives way, and he refuses to abandon the expectations he entertained. Through the Earl's influence he was eventually gratified by the appointment of his son.²

On account of his public services, the Earl of Menteith received from King Charles, on 25th May 1628, the gift of a yearly pension of £500, to begin at Whitsunday 1628, to be paid out of the Exchequer of Scotland, and to continue during all the days of his life. In the letter of gift the King remarks that he had found the real effects of the Earl's ability and affection to his service, of which he had already given such sufficient proof.³ In less than a year afterwards the King communicated to the President his intention of bestowing upon him a gift of £5000 sterling, as soon as the royal coffers

¹ Original at Gartmore.

² Vol. ii. of this work, pp. 125-146.

³ *Registrum Secreti Sigilli*, vol. c. fol. 443.

were in a condition to bear the strain. The warrant, the King added, was only withheld until such time as there was a likelihood of its being attended to.¹ It was issued by King Charles on 1st September 1629.² In the course of this year Earl William, in his capacity of Justice-General, had expended £500 out of his own pocket in providing robes for the judges of the Circuit Courts, and at his own charges had sent out deputies to attend the services, and the King instructed the Earl of Mar as treasurer to refund this sum.³

In the same year, Earl William, taking advantage of the Act anent prescription of heritable rights, passed by King James the Sixth in 1617, and the period of thirteen years allowed therein for the making of claims to estates, searched his own charter-chest, and made application to King Charles for leave to examine the public records of Scotland. The permission was granted in a letter by the King, dated 9th November 1629, addressed to Sir John Hamilton of Magdalens, Lord Clerk Register.⁴ Before that date, however, the Earl had obtained from Sir John Hamilton extracts from the Great Seal Register, of two charters by King Robert the Second to his son, Prince David Stewart, of the earldom of Strathern. Being the direct heir-male of the marriage of that Earl's only daughter, Countess Euphemia, with Sir Patrick Graham of Kincardine, afterwards Earl of Strathern, Earl William resolved to lay claim to that earldom, although it had been taken from Malise Graham, first Earl of Menteith, by King James the First. The Earl brought the matter, in the first instance, under the notice of the King's Advocate, Sir Thomas Hope, who advised him that the lands were of two kinds,—such as were annexed to the Crown, and others belonging to subjects and not annexed to the Crown; that as to the latter class, he was convinced the

¹ Vol. ii. of this work, p. 12.

² Original in Charter-chest of Duke of Montrose.

³ Vol. ii. of this work, p. 26.

⁴ *Ibid.* p. 24.

Earl had good grounds for taking action ; but as to the former, he persuaded himself the Earl would do nothing without first acquainting his Majesty.

The opinion thus expressed was gratifying to the Earl, who at once informed the Advocate that he would not contest the first class of lands which had been annexed to the Crown, but at the same time he requested the Advocate to lay the matter before the King, and to prepare a formal renunciation by him in the King's favour of the annexed lands.

The renunciation was duly prepared by Sir Thomas Hope, and laid before the President. That renunciation narrated the terms of the gift of the earldom by King Robert the Second to his son, Prince David Stewart, by two charters, and asserted Earl William's claim, as heir of blood to David Earl of Strathern, to the earldom granted to the latter, and all lands pertaining thereto ; but considering that the earldom of Strathern had been and was enjoyed by King Charles and his predecessors, and that the lands were held by vassals from the King as superior ; and also considering the great and extraordinary favours bestowed on him by his Majesty, the Earl of Menteith renounced, in the King's favour, all right to that earldom, and rests upon "his gracious favour and benevolence, as it shall please his Majestie, in his superabundant justice, equitie, and wisdom," to bestow on him and his satisfaction therefor. While thus renouncing the earldom of Strathern, the Earl makes exception to the lands and barony of Kilbride, lying in that earldom, which had continued in the possession of the Earls of Menteith to that day, and to any other lands within the kingdom to which he had right as heir of David, Earl of Strathern. He obliged himself to obtain a service of himself as heir to that Earl, and then to renew the renunciation according to the requirements of law. This renunciation was signed by the Earl at Holyrood, on 13th August 1629, and it was forwarded to King Charles by Sir Thomas Hope, who, in an accompanying letter, counselled the King to accept the proposed

settlement. The King seems to have been satisfied with the prospect of so easily obtaining a legal settlement of the matter in his favour. After consulting the Earl personally, he wrote to the Advocate to proceed in the matter. He also wrote to the Earl that he accepted his proposal as one of his good services done to him, that he had instructed the Advocate to prepare a surrender of the lands within the earldom of Strathern, which the Earl was to sign, and he promised to give a reasonable satisfaction for the renunciation. The terms of the King's letter also encouraged the Earl to prosecute his right to any other lands, with the assistance of the Advocate therein, so far as lawful.¹

Another renunciation was prepared and signed by the Earl at Holyrood, on 22d January 1630, in which he acknowledged the satisfaction given by the King in recompence, amplified the terms of the clause renouncing the earldom, and added his resignation of the privilege of free regality and the pleas of the four points of the crown granted by King Robert the Second to David, Earl of Strathern.² A further exception was also taken in the following terms:—"provyding thir presentis nor noe clause thair of preiudge me and my foirsaidis of our rycht and dignitie of bluide perteing to ws as aires of lyne to the said vmqhile Dauid, Erle of Stratherne."³ This renunciation was accepted and registered on 12th March 1630. In order to make it thoroughly valid in law, the Lord Advocate caused the Earl of Menteith to be retoured heir to his "foirgrandschiris grandschir," Earl Malise, and through him to Prince David Stewart, Earl of Strathern, to effect which, Earl William, by letters dated 14th April 1630, appointed procurators to raise a brieve of

¹ Vol. ii. of this work, p. 21.

² The pleas of the four points of the Crown were criminal actions for robbery, ravishment, murder, and arson, which could only be tried by the justiciary officers of the

Crown, unless, as in the case of Strathern, exception was made in the charter of any feudal baron.

³ Original in H.M. General Register House, Edinburgh.

inquest,¹ and Sir Thomas Hope saw the service expedited on 25th May following, during the President's absence from Scotland at Court. The jury which sat upon the inquest included the Earls of Eglinton, Winton, Wigton, Carrick, the Viscounts of Ayr and Drumlanrig, Lords Erskine, Kilmaurs, Ross of Melville, Napier of Merchiston, and Wemyss, Sir James Stewart, Sir George Towers of Inverleith, Sir George Forrester of Corstorphin, and Sir James Kerr of Crelinghall.²

The satisfaction promised by the King proved to be a sum of £3000 sterling,³ a precept for payment of which to the Earl of Menteith was granted by Charles on 11th June 1630, to William, Earl of Morton, Lord High Treasurer, and other Lords of Exchequer. The precept bears that the grant is made in consideration of "the manifolde goode servyces" and affection of the Earl, "quhairoff he hathe gevin many singulare prooffis and testimonies, and speciallie in his laite voluntar resignatioun and surrender of his clayme and tytill of the lands of the erldome of Stratherne, with the priviledge of regalitie and four poyntis of the crowne, to the quhilk he hathe richt as air of bloode to vmquhill David, Erle of Stratherne," etc.⁴ For his services in the matter, Sir Thomas Hope was promised the sum of £2000 sterling.⁵

As before mentioned, the surrender of the lands of the earldom of Strathern was made by Earl William, with the provision that it should not prejudice his right to the dignity, and King Charles, by patent dated 31st July 1631, ratified and approved to him and his heirs-male and of taillie, the title of Earl of Strathern, with precedency and priority proper thereto, due

¹ Original Procuratory in Charter-chest of Duke of Montrose.

² Retour printed in Airth Peerage Minutes of Evidence, 1839, p. 12.

³ It is erroneously stated to have been VOL. I.

£23,000 by Sir Harris Nicolas in his History, quoting Sir John Scot's True Relation.

⁴ Original in Charter-chest of Duke of Montrose.

⁵ History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, p. 34.

to them by virtue of the charters granted to Earl David.¹ The patent was produced and read before the Privy Council of Scotland by Thomas, Earl of Haddington, Lord Privy Seal, on the 26th August following, and after being acknowledged and appointed to take effect, it was presented to Earl William, "who with most submissive reverence vpon his knees received the said patent as ane pledge and token of his majesteis exceeding great favour, and promiseist to the vttermost of his endeavoures to approve himselfe worthie of the favoure and honnoure whairunto his majestie hes been gratuslie pleased to preferre and advance him."²

Some additional grants of money were made by King Charles to the Earl about this time. On 27th February 1631, William, Earl of Morton, as Lord High Treasurer, was commanded to pay to him £8000 sterling, which was probably the two sums of £5000 and £3000 formerly mentioned, and part of this may have been paid before the end of the year.³ But on the 28th December in the same year, the King made another grant of £15,000 sterling, which renders it doubtful if any part was paid. It would rather seem that this large sum included the former. In the precept under the Privy Seal to the Earl of Morton and his subordinates, the King mentions as his reasons for this gift, his consideration of the Earl's great charges for his frequent repairings to Court at his Majesty's special direction, his knowledge of the Earl's great ability and affection to his service, according to his particular employments, and divers other considerations, and he appoints that the £15,000 be paid to William, Earl of Strathern and Menteith, out of the first and readiest of the King's rents and casualities.⁴ This precept was supplemented by a Letter of Ratification and Novodamus under the Great

¹ Vol. ii. of this work, p. 323.

² Extract Act of Council in Charter-chest of Duke of Montrose.

³ Vol. ii. of this work, pp. 37, 39.

⁴ Original Precept in Charter-chest of Duke of Montrose.

Seal, dated 16th February 1632.¹ We shall afterwards see how these promises, gifts, and debts of Charles to the Earl were implemented.

As formerly mentioned, the Earl received every encouragement from King Charles to prosecute his claim to the other lands belonging to the earldom of Strathern not annexed to the Crown, and on 13th May 1630, his Majesty ratified, in favour of Earl William, the two charters granted by King Robert the Second to his son David, Earl of Strathern. The King also made a new gift of the lands, etc., contained in them, in favour of the Earl, his heirs-male and assignees, and granted the requisite precepts for his infeftment in them. One of these two charters of King Robert's was the grant by that King to his son, David Stewart, on 19th June 1370, of the castle and barony of Urquhart, in the shire of Inverness; the other, a gift, on 21st March 1374, of the castle and lands of Brachwall, with all the other lands in the earldom of Caithness, or any other part of the country, which had belonged to Alexander de l'Ard, and which he had resigned into the hands of King Robert.² By this means King Charles established more firmly Earl William's position as Earl of Strathern, his title to which was then fully acknowledged.

It is at this period of his life that we find the Earl making large additions to his territorial possessions, as if his paternal estates were too mean to support the weight of dignity which he had to uphold. For a sum of fifty-two thousand merks Scots, he acquired the barony of Drummond in the Lennox from John, Earl of Perth,³ and on the resignation of that Earl he obtained a grant of it from King Charles on 26th November 1631. The

¹ Original Letter in Charter-chest of Duke of Montrose. Monteith, by Sir Harris Nicolas, Appendix, pp. lxiv-lxviii.

³ Original Agreement in Charter-chest of

² History of the Earldoms of Strathern and Duke of Montrose.

charter is dated at Holyrood House, and is in favour of William, Earl of Strathern and Menteith, Lord Kilpont and Kilbryde, and Agnes Gray, Countess of Strathern and Menteith, his spouse, of the barony of Drummond, *alias* Drymen, with tower, fortalice, etc., in the lordship of Menteith and shire of Stirling.¹ In the following year he obtained the lands of Airth from Alexander, Earl of Linlithgow, by disposition, dated 5th April 1632, the terms of which have not been ascertained, and of these lands he received one charter under the Great Seal from King Charles on 14th April of that year.² The charter, which is dated at Holyrood, gives to the Earl and his spouse in joint infeftment, and their heirs-male, whom failing, to the heirs-male and assignees of the Earl, the lands and barony of Airth, and the Pow of Airth, formerly belonging to John Bruce of Airth, with tower, fortalice, etc., in the shire of Stirling, and formerly granted by King Charles the First, on 14th February 1627, to Alexander, Earl of Linlithgow, who now resigned the barony for a new infeftment to the Earl of Strathern. The charter contains a novodamus and re-erection into a new barony of Airth, the tower, fortalice, and manor-place to be the principal messuage.³ Some informality in this charter led to the resignation of the lands again by the Earl of Linlithgow and the Earl of Strathern and his spouse, on 14th July following, for new infeftment to Strathern and his spouse, and another was obtained from King Charles, dated at Oatlands, in England, 21st July 1632, which confirmed the previous infeftment.⁴

At this period of his life the Earl had reached the zenith of his ambition, and he had reason to congratulate himself on the success which had attended his every step. He was the possessor of one of the oldest baronial titles then

¹ Registrum Magni Sigilli, Lib. liii. No. 173.

² Old Inventory of the lands of Airth in Charter-chest of Duke of Montrose.

³ Registrum Magni Sigilli, Lib. liii. No. 216.

⁴ *Ibid.* Lib. liv. No. 10.

existing, and could have boasted, as he was charged with doing, of the royal blood which coursed in his veins. He occupied a place in the Cabinet Councils of both Scotland and England, over the former of which he presided. In addition he held the supreme justiciary office of Lord Justice General, and was the King's most confidential adviser in Scotch affairs.

But like many others who have enjoyed the favour of sovereigns, Menteith did not escape the machinations of enemies, for, whether from the jealousies created by his remarkable good fortune and elevation over many high in place, or from fears on the part of others that the Earl's claim to Strathern would prove disastrous to some of their own possessions, or from other causes, a powerful confederation was organised against the Earl, which ultimately succeeded in procuring his downfall. Its guiding spirit was Sir John Scot of Scotstarvet, Director of Chancery,¹ who claimed that he had been the means of Earl William's success, and yet had been most ungratefully cast off by him at the bidding of Sir Thomas Hope.² Sir John after this became the Earl's bitter enemy, and was the principal means of inflaming the minds of some of the nobility against him.

The Earls of Seaforth and Tullibardine associated themselves with Sir John Scot in this business, and having prepared a statement in reference to the earldom of Strathern and its relations to the Crown, they caused it to be circulated, and also brought it under the notice of the King. It contained six reasons why the Earl of Menteith should not be allowed to prosecute his claim to the earldom of Strathern, every one of which rests on principles of expediency, not one on right or justice. They were adroitly put in the form of suggestions—

¹ He was the author of the well-known work, "The Staggering State of Scots Statesmen."

² Sir John Scot's True Relation, printed in History of Earldoms of Strathern and Menteith, by Sir Harris Nicolas, Appendix, p. xxiv.

1st. Would it not be inexpedient for his Majesty to promote the descendants of Euphemia Ross to such estate and power in the country, so as to encourage them in the case of any commotion to put forward a claim to the Crown ?

2d. Would it not be an imputation upon his Majesty's honour to restore the earldom of Strathern to the successors of Malise Graham, from whom it was taken by King James the First, "a vertuous and just prince," as such an act would be to blot that monarch with the aspersion of injury, oppression, and avarice, and justify his murder by Sir Robert Graham, tutor to Malise, for wrongous usurpation of the earldom ?

3d. Seeing the earldom was annexed to the Crown by Act of Parliament, would it be expedient to reduce these acts of annexation, which would require to be done in the event of the earldom passing to the Earl of Menteith ?

4th. In the reign of King James the Fourth, in the year 1508, the earldom was set in feu to the tenants, then possessors, some of whom had compounded for their feus, and had served their King at various times and ways, etc. Would it be agreeable to justice that so many honest gentlemen should be ruined in their estates, as would happen if the earldom was separated from the Crown ?

5th. If the Earl of Menteith were to recover the earldom, there would be great diminution of his Majesty's rents and obedience, seeing the lands now held of the Crown would be held of the Earl of Menteith, and among others by the Earls of Montrose, Perth, Tullibardine, the Viscount of Duplin, Lord Maderty, the Lairds of Glenorchy, Keir, Gleneagles, Duncrub, etc.

And finally, that King James the Sixth refused even to grant the title of Strathern, and much less the earldom to any subject, answering the applicants that he had no more for the blood of and slaughter of King James the First.¹

¹ Sir John Scot's True Relation, printed in Sir Harris Nicolas's History of the Earldoms of Strathern and Monteith, Appendix, p. xxviii.

On being shown the statement by Sir Robert Dalzell and Mr. James Maxwell of Innerwick, King Charles evinced his displeasure at the aspersion cast upon his favourite. He showed, however, that the information was not altogether lost upon him, by the following instructions to Sir Robert Dalzell:—

Robin Dalziel, whereas I have been informed by you and James Maxwell that the grant of the earldom of Stratherne, which I have given, is greatly prejudicial to me both in honor and matter of state, in so much that he either hath or may serve himself heir to King Robert the Second, therefore, since it doth seem to lay a heavy aspersion upon a man who I both do and will esteem, till I see evident cause in the contrary, he having done me many good services, I command you to produce your authors, that I may either punish them for their great aspersion, or reward them for their good service in so important a discovery; otherways I must take James and you for my authors, judging you as ye shall prove your allegations. Make haste in this, for I must not suffer a business of this nature to hing long in suspence. Whitehall, 2 October 1632.¹

Sir Robert was further instructed to take legal advice on the subject, and he referred it to Sir James Skene of Curriehill, President of the Session, Sir Archibald Acheson of Glencairn, his Majesty's Secretary, and Sir John Scot, "our authors of whom (says he) the said James (Maxwell) and I heard the samen." Their opinion was put in writing and sent to the King, and was, as might be expected, condemnatory enough of the Earl's proceedings. The plotters themselves drew attention to six points, on which they raised questions and answered them in a fashion well fitted to excite the King's jealousy. The propositions as given by Sir John Scot are these:—

1. It is craved, if a general service of this Earle of Stratherne, as heir to David, Earle of Stratherne, eldest lawfull son of the first marriage to King Robert the Second,

¹ Sir John Scot's True Relation, quoted in History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, Appendix, p. xxxi.

be a sufficient title to the earldome itself, whilk he hath renuned in his Majesties favours, or gives to his Majestie any better right that he had before ? It is answered, that the general service of this Earle of Straitherne gives no right to the earldom of Straitherne to the said Earle ; and as to the renunciation granted to his Majestie be the said Earle, it is of noe effect, and gives noe right to his Majestie, seeing the granter of the same had no right to the said earldom, because the same was annexed to the Crown by King James the Second, since which time it hath been continually bruiked be his Majestie and his predecessors as their annexed property ; but by the contrair does weaken his Majesties right, in accepting a right from him, and acknowledging a necessity of renunciation when ther was no need.

2. It is demanded, if the granting of a new right by his Majesty of the lordship of Urchat has not wronged the King, and all those who have right from his Majestie and his predecessors of any part of the said lordship ? It is answered, that it has wronged his Majestie to give that away which was his own, and whereunto the said Earle had no right in respect of the annexation foresaid, and also will wrong those who have right from his Majestie and his predecessors by continual pleas against them, and denudeth his Majestic both of property and tennendrie of the said lordship.

3. It is required, whether the said Earle may purchase himself retoured and infeft, as nearest and lawfull heir to David, Earle of Straitherne, in the said earldom, conform to the clauses obligator contained in the said renunciation ? It is answered, that the said Earl can no ways purchase himself to be infeft in the said earldome, because of the annexation of the same to the Crown as said is.

4. Is it not boldness that the said Earle should have served himself heir of blood to David, Earle of Straitherne, eldest lawfull son of the first marriage to King Robert Second, whereby he is put in degree of blood equall to his Majestie ? It is answered, in our judgement the boldness seems too great.

5. It is craved, if the Earle of Straitherne may serve himself heir to King Robert Second, sieing he is allready served heir to David, Earle of Straitherne, eldest son to King Robert Second ? It is answered, that in our judgements, if the case were among subjects we sie nothing in the contrair.

6. It is craved, whither the King is prejudged in honor and state, by acknow-

leding the said Earle to be undoubted heir to David, Earle of Stratherne, and consequently to be in degree of blood equal to his Majestie? It is answered, that, apparently, if his Majestie had known the consequence of it, for reason of State, he would never have done it, and it seems to us his Majesties honour to be interested in acknowledging any subject to be equall in blood to himself.¹

In ending the propositions, Sir John Scot refers to another paper which with these was given to Sir Robert Dalziel as the reply of Counsel. The following brief note may represent the substance of it:—

A briefe note of these particulares that the President of Sessione, the Secretarie, and Director of the Chancelarie, hes sett under their handes to his Majestie, conserning the earldom of Strathern.

Infeft. of Wrquhart
renunc.² Act Parl.
lib. 16 fol. 34.

1. Daid Steward, Earle of Stratherne, was eldest lawfull sone to King Robert the Second, and Enpham Rose his first wyf.

Renunciat 3.

2. William, Earle of Monteith, affirmes himself to be successor and lawfull haire of bloud to the said Daid.

Renunciat 4.

3. The King hes excepted a renunciacione, with reseruacione of the said Earle Monteith's right and dignitie of bloud as heire of line to the said Daid.

Infeft Wrquhart 5.

4. The King acknowledges the said Erle wndouted lineall heire of bloude to the said Daid.

Retoure 6.

5. The said Erle, by inquest of 15 noble men, is aknowledged, serued, and retoured lawfull heir to the said Daid, May 1630, and this must ather be reduced within 6 monthes, or else will euer stand irreduceable.

Act Parliament.

Patent of Honour 7.

6. The King himself aknowledges the said Erle to be retoured as wndouted heire of bloud to the said Daid, wnder his hand and great seall.

41 Act of his ii
Parliament.

7. The said Erle neither hade nor can haue right to the said

¹ True Relation, quoted in History of Earldoms of Strathern and Monteith, by Sir Harris Nicolas, Appendix, p. xxxiii.

erldome nor barony of Wrquhart, the sam being anext to the Croun by King James 2, and neuer since desolued.

Renunciat^s
Act forsaidd.

8. The said Erle can neuer be infest in the said Erldom, as hee is bound in the renunciatiōne, the sam being annexed as said is.

Renunciat 9.

9. The said Erle, notwithstanding of this annexatiōne, does affirme himself to haue good right to claime the sam erldome. Albeit hee hade none, and aknowledges to haue resauidd satisfactiōne and recompance for the sam.

Proces depending now
against Grant.

10. The said Erle hes intendet reductione against his majesties wassals of the barony of Wrquhart wpon his new grant, and theirby takes from his majestie their superiorite.

Practise and commune
law.

11. The said Erle may serue himself heir alsuel to King Robert 2 as hee did to Dauid his eldest sone, if the case war amongst subjects.¹

Sir Robert Dalzell lost no time in returning to Court with his proofs and advice, and owing to some suspicions that their purpose was betrayed, the President of the Session and the Secretary agreed, on the suggestion of their fellow-counsellor, Sir John Scot, that the latter should follow and explain matters to the King. Sir John himself relates his journey, how he "that instant night, before ten of the clock, within three days of Christmass, rode that night to Dirltoun, and the next morning took post at Cockburnspath, and the fifth day came to Hamptoun Court, where his Majestie resided, who being brought into the bedchamber by Mr. Maxwell, he had long conference with his Majestie concerning the said matter."² In this conference use was made of a paper of historical parallels, prepared at Sir John's request by his brother-in-law, William Drummond of Hawthornden, the object of which was to obtain the fate of a traitor for the Earl of Menteith, and in the close of

¹ Original in Charter-chest of Duke of Montrose.

² True Relation, quoted *ut supra*, p. xxxv.

which it is suggested that the elevation of the Earl afforded a fitting pinnacle for displaying his ambition as a warning to the world :—

“It is to be considered also if a subject serving himself heir to a crown, by the oversight of the Prince and negligence, indirectly and in crafty-coloured terms, notwithstanding of whatsoever protestations of his advocat in the contrair, may be accused of high treason. And whither a prince may justly keep under the race of such, whose aspiring thoughts dare soare so nigh a crown, as they have been kept these two hundred years bygone, for reason of State, unless the Prince exalt them to give them a more deadly blow, and extirpat them and their whole race, suborning mercenary flaterers to make them aim above their reach. Dum nesciunt distinguere inter summa et praecepita princeps quod persequitur honorat, extollit natu ut lapsu graviore ruat.”¹

To incense the King still more against Menteith, Sir Robert Dalzell, who was also present, reported an alleged insolent statement by the Earl, “that he had the reddest blood in Scotland.” This assertion appears to have startled the King, but with evident suspicion of the real intentions of his informants he dismissed them with the remark that “it was a sore matter that he could not love a man but they pulled him out of his arms.” Charles, however, gave Sir John Scot another interview, in which he was more successful in making an impression on the King, especially by the production of a pedigree prepared by Menteith, for the intended action of reduction and improbation against the vassals of Urquhart, in which his Majesty was placed on the left hand.

Menteith, meanwhile, having learned what was going forward, set about preparations for clearing his conduct in regard to the matter, and in this, as in all the former proceedings, he had the assistance of Sir Thomas Hope, although a little later Sir Thomas, on account of his position of Lord Advocate, had to neglect his patron, at least so far as the public service was concerned,

¹ True Relation, quoted *ut supra*, p. xxxvii.

in order to devote his energies to the interests of his royal master. There is evidence, however, that he offered a covert opposition to the action of the conspiring party, though by the King's command he was obliged to associate himself with them. On 21st November 1632, he wrote the following letter from Edinburgh to the Earl of Strathern, who appears about this time to have betaken himself to Court:—

MY NOBILL LORD,—May it please your Lordship, I did inquire at Mr. James Durhame if Sir J. S.¹ at his parting had gotten from him any extract, quho be othe hes purgit himself that news, and that he fell on him the nycht by mere accident, and quhen he knew not of his journey, and because I did consider that the doubill of your Lordship's renunciation, whilk is registrat in the buiks of Exchequer, mycht be for some use to your Lordship while ye ar thair, I haif causit Mr. James Durhame extract the samin under his hand, whilk he did most willingly and thankfully, and I have sent the samin to your Lordship herein.

Thair wes ane other paper which I thoct necessair for clerig of your Lordship sincerity in that business and my fidelity, whilk I socht earnestly for three dayes and fuud it nott. And in end God hes casten it in my haud, whilk is the procu[r]atory subscryvit be your Lordship for serving of your brevis, whilk wes productit be Mr. John Rollok and Mr. James Robertson the tyme of the service. The extract of the service whilk I sent to your Lordship with George Grahame, under the subscription of Mr. John Oliphant, clerk of the sheriffdom of Edinburgh, beris the production of the procuratory, with the date thereof, but the clerk, after he had made a diligent search, could not find it. And be ane special providence I gai him notice that Mr. John Oliphant, advocate, who was ane of the Sheriff's deputes at the time of the service, might give me suir notice whair it micht be fund. And I sent for him, and after great entreaty and promises of favor to him from your Lordship if he sould find it to me, persuade him to tak on him to find it, and hes in end beine that happy as to get it in my hauds, whilk wes more wallow to me nor if he had given me ane thousand crounes. And immediately after I saw it I caused him go to the Sheriff-

¹ Sir James Skene.

clerk, and schaw him the samin, that he nicht recognise it to be the samin body of procuratory whilk was productit in face of Court, whilk the clerk has done and testifet be minute at the end of the procuratory, but refuset to subscribe the minute.

Now, my Lord, this procuratory (whilk I send your Lordship herewith) does not only justify your Lordship's proceedings to be just *in actu*, but also *in animo et intentione*, for the procuratory (if your Lordship reads it) beris that forsamuckle as ye haif subscryvit ane renunciation to his Majestie, and that for his Majesties security it is necessar that your Lordship be servit to Erl David, Erl Patrik, and Erl Malice, therefore your Lordship gives power to rays breifis aud obtayne your Lordship seruit and retourit air to tham.

I am sure (my dear Lord) your God his watchit over you in all this business, and the prescribing of thir proces, with the course of the protest seud to your Lordship, may be arguments to your Lordship of anc Divine Providence that directs you in your affairs. And thairfor, as I writ in my former, study to sanctify your God in your heart, in your living and actiounes, and grieve not his Spirit nor the good angell whom he has appointed to attend and keep you in your wayis. And if you do this with a faithful, honest, and sincere heart, doubt not of a blessing, whilk I pray the Lord to multiply in you here and for ever.

Your Lordship's humbill and bund seruitor,

S^R. THOMAS HOPE.

Please your Lordship, turn over eftir you haif red the marginal writt.

(“Marginal writt.”)

Please your Lordship, I did not expect that the clerk would refuse to subscribe the minute of the production of the procuratory. But seeing he has refused it, I have changed purpose and sent to your Lordship the just double thereof under the subscription of two notaries, and I sal be careful that the principal sal be kept safe and to the foyr whenever your Lordship sal have ado therewith, sua that your Lordship may consideratie adhear to the contents of the copy quhilk is sent, and I thoct the copy more fitt nor the principal, quhilk is your Lordship's awn deed, and subscribit with your awn hand, and quhilk (according to the nymbleness of your Lordship's

calumniators) might be affirmit to be brunt or changeit be your Lordship since the dait of the challenge, quhilk as yet cannot be alleged agaiust the copy, and your Lordship will find that the procuratory has one witness who will be far off suspicion (viz., Sir J. Elphinston), and as the copy bears minut . . . of the production of the procuratory on 29th May, quhilk was the day of the service, quhilk minute but the relation thereof is sufficient be the copy quhilk bears that minute. Pleas your Lordship, the lybel againis John Toschoch is be supplication geviu in to the Counsall be the Marquis of Huntly, aud be an act of Counsel following thereupon continuit to the 22^o February next, and in the meantime the Marquis has waruit your Lordship by actis to compear before the Couousell, to hear and see them punishit for thair last continuation.

I haif written to my Lord Secretar for the . . . warrand, quhilk was sent to me from his Majestie in July 1628, for proponing of sic public business to the Counsel as were necessar at his Majestie being here.

(The postscript.)

MY LORD,—I hear the greatest objection is that there is reseruit in the renunciation the rycht and dignitie of blood pertaining to you as heir to Erle David, in respect you are bund to serve yourself heir to Erl David, quhilk of necessary consequence incluidit that reservation, that seeing it is expressed therein, and that your Lordship's unfriendis takes occasion to found ane maliceous calumny thereupon. The mater may be easily clearit that the reservation is both proper and just, because the renunciation bears to renounce the erldome of Strathern, quhilk word (erledom) includes the titill and dignity, and therefore behovit to be reseruit because it was not to be renouneit, nor could nocht be renouneit.¹

By the intervention of the Earl of Morton and the Chanceller, the Earl obtained a favourable reception from King Charles, who told him that he would require to quit the title of Strathern and take that of Airth instead.² So early as the 9th of December 1632, Charles seems to have decided on the course to be taken by him in the matter, which was to recall the title of

¹ Original Letter in Charter-chest of Duke of Montrose.

² Sir John Scot's True Relation, quoted by Sir Harris Nicolas *ut supra*, p. xlv.

Strathern, and reduce the services and all other documents which gave a claim to it. On that day he wrote to Menteith, informing him that he had instructed Sir Thomas Hope to take the assistance of other three advocates—Andrew Aytoun, Thomas Nicolson, and Lewis Stewart, and consult with them whether it were fitter to delete from the Registers or reduce the services and retours by which the Earl had been served heir to David, Earl of Strathern, and he required the Earl to administer an oath to them that they would deliver their opinion and judgment thereupon in writing without revealing the same.¹ In compliance with the command referred to in this letter, the four advocates met and deliberated on the matter. Their answer to the King embraced the following points:²—

1. That it was fittest for his Majesty's security that the retours and services and whole writs hereafter called for should be reduced by order and course of law, and also cancelled.

2. That the reduction should be raised at his Majesty's instance as granter of the infeftments, etc., and alleged acceptor of the pretended renunciation, as he who has the undoubted right to the earldom of Strathern and other lands, by acts of annexation and otherwise, as he who is undoubted and nearest heir of blood to the late David, Earl of Strathern, younger brother to the late King Robert the Third, his Majesty's great-grandfather's great-grandfather, of whom his Majesty is lineally descended, and which King Robert the Third was the eldest and only brother of the said late David of whom there is any succession living, the said David and his alleged daughter Euphame having died without succession, and also as having general interest in the process.

3. That in the production there be called for the renunciation, the infeftment of Urquhart and Brauchlie, etc., the service and retours, the brieves, claims, and patents, with all other writs, evidents, or documents whereupon the services are grounded, or the claims were or could be verified, whether the same be charters, precepts, confirmations, patents, or other rights, gifts, and securities whatsoever made by the King's

¹ Vol. ii. of this work, p. 47.

² Contemporary Copy at Traquair.

predecessors or governors for the time to the Earl of Menteith or his predecessors for the time, or to whatever other person, which may be a ground of the said services or retours for instructing his descent and blood therein declared, with all sasines or other writs which have followed thereupon, all services and retours whereby any of his predecessors has been served to others, in so far as they may appear to instruct the said services, and all other writs whereby he may have right to the earldom of Strathern, etc., or to be heir of blood to the late David, Earl of Strathern, or to the late Euphame his alleged daughter, or to the late Patrick, alleged Earl of Strathern, as descended of the marriage betwixt the said late Patrick and Euphame.

4. To conclude reduction and improbation of these whole writs, and all acknowledgments by his Majesty of Menteith being heir of blood as aforesaid ; and also declarator that the said Earl has no right either to the said earldom or lands mentioned, or is or can be heir or uearest of blood to the late Lady Euphame and Patrick ; and also to hear and see it found and declared that his Majesty has only undoubted right to the earldom of Strathern, Urquhart, Brauchlie, etc., and that his Majesty is undoubted nearest heir of blood to the said late David, Earl of Strathern ; also to conclude error against the assise of inquest.

They then give the reasons for this judgment :—

1st. Because the said service was led and deduced for “ null defence,” whereas if his Majesty had compered, he would have alleged, as he now doth, that the said Earl's only pretended claim was as heir by progress to the late Malise, Earl of Menteith, his predecessor, and that the said late Malise was lawful son to the said late Lady Euphame and Patrick Graham her spouse, and that Lady Euphame was alleged daughter to the said late David. And it is true that it neither was nor can be verified that either the said late Malise was lawful son to Lady Euphame, or that she was lawful daughter to David, Earl of Strathern, by any writs, documents, or evidents whatever ; whereas on the contrary, his Majesty would have alleged, as he now doth, that he is undoubted heir of blood to Earl David, as being lineally descended from King Robert the Third, his Majesty's great-grandfather's great-grandfather, who was eldest and only lawful brother to Earl David of whom there is any succession now

living, there being now no succession of Earl David nor of his alleged daughter Euphame, and therefore the assise committed wrong and error in the service.

2*d.* Because the renunciation by the Earl of Menteith, and infeftments grauted to him of Urquhart, etc., are null, inasmuch as by them the King prejudged himself in his own property, which he could not do without consent of his Estates and after lawful dissolution, and also because it is impossible for the Earl of Menteith to fulfil his part, that is, to serve himself heir to Earl David, for reasons already given. Further, they argue that the renunciation was never accepted by the King, and as for its being accepted by a pretended protestation, that was only the act of his Majesty's advocate without any lawful warrant therefor.

3*d.* The renunciation and infeftments are null, because they were sought and obtained upon the pretended and wrongous affirmation and narrative of Menteith that he was undoubted heir of blood to Earl David and Lady Euphame, which he in no wise is, but his Majesty only is ; and further, the King could not accept any such pretended declarations in prejudice of his own blood.

4*th.* The King ought to be declared undoubted heir of blood of Earl David and Euphame his alleged daughter, if any such was, because he is only nearest heir of blood to King Robert the Third, his Majesty's great-grandfather's great-grandfather, who was the eldest and only lawful brother to Earl David of whom there is any succession extant, Earl David or Euphame having deceased without children.

5*th.* Improbation.

The King meanwhile had prepared the patent of the new creation of Menteith as Earl of Airth, of which he had spoken to him previously in his interview, and it was granted to the Earl on 21st January 1633. On the same day Charles wrote to him, as Earl of Airth, that he had given Sir Thomas Hope commandment to raise an action of reduction against his services to Earl David and Countess Euphame of Strathern, and promising that if in the action he evicted the barony of Kilbride, he would immediately dispone the same to the Earl heritably. "And becaus," the King adds, "we haue, in all this bussines of Stratherne, from the first to the last, found

your great affectione to our service, we will tak a speciall care of the weell and standing of your hous, that vtheris heerafter may be encouraged to doe ws good service.”¹

In the patent of the title of Earl of Airth, granted by King Charles the First to William, Earl of Menteith, the King refers to the erection of the earldom of Menteith by King James the First on 6th September 1427,² in favour of Earl Malise, and declares William, Earl of Menteith, President of the Privy Council, to have been served and retoured undoubted and lawful heir-of-line and succession. He then proceeds :—

“ We, recalling to our mind the singular, excellent, and faithful services rendered and performed to us by our said trusty and well-beloved cousin and counsellor, William, Earl of Menteith, President of our said Privy Council, according to our direction, and for the public good of our realm, and his constant purpose of persevering therein, which we of our benign good pleasure have resolved to keep in remembrance, that others may be induced by his example to perform the like faithful services ; and, in the meanwhile, we, willing to erect the lands and barony of Airth, belonging heritably to the said Earl, into one free earldom, with the title and dignity of Earl of Airth, in manner hereafter mentioned, have therefore erected, and by the tenor of these presents do erect, to and in favour of the foresaid William and his heirs, the lands and barony of Airth foresaid into one free earldom, to be in all future time named the earldom of Airth.”

The King then unites and annexes the earldom of Menteith to the newly created earldom of Airth, giving to the newly created Earl the place, priority, and precedence due to the Earls of Menteith by virtue of the charter of 1427.³

¹ Vol. ii. of this work, p. 49.

² In the patent the year is several times given as 1428, which is a mistake for 1427.

³ Minutes of Evidence in Airth Peerage

Claim, 1839, p. 4 ; also, History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, pp. 73 and xcii. In this work Sir Harris Nicolas examines minutely the legal bearings of this new creation.

The arrangements for the reduction of the services to Strathern were now pushed forward, and a summons raised for the King at the instance of the Earl of Morton, Treasurer, John Lord Traquair, Treasurer-Depute, and Sir Thomas Hope, Lord Advocate, against William, Earl of Monteith, in which the Sheriff-Principal of Edinburgh, his deputies and clerk, and the jurors who attended the inquest of the Earl's services, were included, as well as Sir John Scot, by whom the briefs of inquest were granted. They, however, were successful in justifying their conduct by the King's own proceedings, and the King instructed the Lords of Session to hold them free from blame.¹ The decree of reduction was obtained from the Lords of Session on 22d March 1633, who found the reasons given relevant to that end, and declared that the defender was not heir to Earl David or Countess Enphame, nor could be, nor was he of blood to them, but, on the contrary, the King was sole and only heir.² In this case, Lord Durie adds, the Treasurer-Depute sat, judged, reasoned, and voted, although he was pursuer. In modern times, several writers on peerage law have maintained that the Court of Session has even yet, notwithstanding the Union between Scotland and England, the sole right of judging on questions affecting the Peers of Scotland, and that in preference to the House of Lords; but the conduct of the Court of Session in the case of Strathern does not afford a favourable specimen of their impartiality in judging of a personal suit at the instance of King Charles the First against one of his subjects.

After the decree was obtained, the Lord Chancellor, at his Majesty's command, convened Lord Traquair and his Majesty's Advocate, and called to their assistance the three Advocates, Sir Lewis Stewart, Mr. Andrew Aytoun,

¹ Sir John Scot's True Relation, quoted *ut supra*, p. xlviij.

² Durie's Decisions, quoted by Sir Harris Nicolas in History of the Earldoms of Strathern and Monteith, Appendix, p. lxxvi.

and Mr. Thomas Nicolson, to whom they submitted the decree, for consideration of what more was necessary for the entire abolishing of the Earl of Airth's pretended right to Strathern. At the meeting Sir Thomas Hope showed his fellow-councillors, for their information, a process in dependence before the Lords for cancelling the whole warrants and registers, wherein were the briefes, services, renunciations, infeftments, and patents reduced by the decree, and asking the opinion of the three Advocates also respecting this step. They declared the decree, improbation, and process thereof legal, formal, and sufficient.

And that nothing could be added thairto for full securitie in law, except the cancelling of the wreitts reduced and warrands thair of extant in the hands of the keepers of the registers and sealls, and razing and deletting of the samine in all the registers quhairin the samine is insert, whilk cancelling they thocht should be persewed and followed befor the Lords of Secret Counsell, Exchequer, and Sessioun, according to the forme begunne alreadie befor the Sessioun, quhilk they allowed and approved.

Item : Motion being made anent the possibility of some auld wreitts and chartors quhilk may be found in the handis of some noblemen and barrons, whither the samyn could be mad search for, to the effect the samyne also might be cancelled, and if found, be quhat ordour the samyne might be cancelled. It was answered be the advocatts that all wreitts quhatsumeir, and of quhatsumeir nature, quhilk nicht verefie the descent of the Earl of Airth from Daid, Erle of Stratherue, or Euphame his dauchter, are decerned to mak na faith against him compeirand, quhilk dois exclud him and all vthers to come after him of all claime of successioun to the said Erle Daid and his daughter, and the searching of privat mens chartor-kists would mak ane neidles noyse, and possiblie neuer be found ; and albeit they were found, being in privat mens handis, it is lyklye that the samen concerns the subjects havears thair of for the suirtie of thair awne lands, and swa hardlie could be cancelled and destroyed in thair prejudice.

To this opinion the Chancellor, the Earl of Traquair, and Sir Thomas Hope gave their approbation.¹

¹ Original Memorandum at Traquair.

The unjust character of the whole transaction towards the Earl of Menteith is sufficiently manifest from these proceedings now brought to light, but if more proof is needed, it is afforded in adequate measure by the following letter from the Earl of Traquair to the Earl of Morton, while the subject was still under consideration. It is dated 16th March:—

MOST HONOURABLE AND MY NOBLE LORD,—Expecting to have sein a finall conclusion of this business concerning the reduction of the Earle of Menteith's service, I have differred wryting thir dayes bygane, but the difficulties that have aryssin therin, partlie be difference of opiniones betwixt the King's advocat and the wther threi, and partlie be the difficulteis quhilks the Lords of Session seames to conceave in the bussines, hes delayed the same. The King's advocat, with the uther threi, did subscrivye a informatioune, conforme to quhich the soumonds of reduction were to be libelled, notwithstanding quhairof, as they alledge, the soumonds are in sume thinges different from that subscrivied informatiounne. The Lords of Session alledges the busines is not fairlie caried for the Kingis securitie, for notwithstanding the advocat findcs himself satisfied with the production in the mater of reduction, yit the Lords, finding sundrei writes nather produced nor caled for, quhilks have ather sein to sume of themselves, or confessed be sume of the parteis, they seam yit to think that except all be produced that was produced to the Inquist at least, the proces is not faire nor secure. Efter much disputing the Lords ware content that upon my Lord Stratherne's declaratiounne of quhat was produced to the service or the advocats, upon ather of the tuo ther productiones of quhat was produced ther, they wald rest satisfied in soe fare as concerned the production in the reduction. Heirupon the advocat being caled in, he condescended upon a great many writes sean to him, quhilks the Earle himself denyes, and heirupon ther hes sein sume hote speaches betuixt them. The advocat, in presence of the haill Lordes, confessed he hade sein befor the service a chartour, quhairby it was evident that Euphan was only dochter to Earle David; a second, quhairby it was evident that Patrik Grahame was mareid to Euphan; a third, quhairby it was clear that Melisse was Patrikes sonne. And from Melisse to the Earle of Stratherne, now present, ther seames to be no question of succession. None of thir formar threi are called for in

soumounds of reduction, and sume of the Lords thinks that if thay ware produced the reduction wald be the more difficill. The Earle thinks the advocat hes not used him weel, that without his knowledge sould have condescended upon these writes; and upon the uthir part, it is thought the advocat hes done it, to mak it appear that the service was legally deduced. Quhat middes we will find upon Thysday nixt¹ to facilitat the bussines, I knaw not. It hes bein madnes to have attempted such things; but seing they have bein ons moued, I wische sume such cours may be taken as may secure our masters interest, quhatevir it be. Reduction upon the soumonds lybelled, nather yit certificatioune upon not production in the improbatioune, is not thought sufficient, except sume way be fund for cancelling and destroying of all writes that may concerne this bussines, that can be fund ather in the registers or elsequhair. And this I wische our master sould not trust altogider to his awne judgement, but that it may be done be the advyce of sume of his faithfull servands. We have hade many odde passages in the bussines quiliiks I dare not intrust to paper. I beleive he intendes not to sture from hence schortlie, at least to he sei a full and finall end to this business, quhairin I haue not bein wanting to my powar to doe him service, but I fear I serve a thankles master. But howsoever I sall still be,

Your Lordship's faithfull servand,

TRAQUAIRE.

For the most honourable the Earle of Morton, Lord High Treasurer of Scotland.²

Thus the matter was settled so far as concerned the title and earldom of Strathern. But this did not satisfy the enemies of Menteith. Sir John Scot, in his "True Relation," indicates that he did not conceal his disappointment from the King when he took his leave; for the King, eluding him for concealing the matter so long, and also for issuing the brieves, he replied that he had revealed it soon enough for any amends likely to follow, and the other was the duty of his place.³ The Earl of Menteith, the same author

¹ The reduction was effected by the Court of Session on the 22d of March.

Monteith, by Sir Harris Nicolas, Appendix, p. lxxxv.

² History of the Earldoms of Strathern and

³ *Ibid.* p. xlv.

remarks, "continued still in his grandeur and hail places," and he adds a remark which reflects little credit on his own integrity: "And his Majestic himself was little better secured by that decree of reduction, seeing that pedigree can be made out to the full by the writts, evidents, and securitys lying in other noblemen's chartor-chists, vassalls of the earldome."¹ It was not the design of the party Sir John Scot raised against the Earl to stop at such a stage with his disgrace, and the charge of making treasonable speeches was urged against him. The Earl of Morton had sought, as the price of his intercession with King Charles for Menteith, that the latter should use his influence to procure for him the Order of the Garter. When he saw that his purpose had failed, he grew exasperated, and in company with the Earl of Kinnoul, then Chancellor, went to the Queen, and represented to her the dangers which might arise to her children if Menteith were allowed to go unpunished. Becoming alarmed, she communicated her fears to the King, who promised to settle the matter when in Scotland,² whither he was about to go for his coronation. In the meantime the King wrote to the Viscount of Dupplin, Chancellor, the Archbishops of St. Andrews and Glasgow, the Earl of Morton, Treasurer, the Earl of Haddington, Lord Privy Seal, the Earl of Lauderdale, the Viscount of Ayr, Lord Traquair, Deputy-Treasurer, Sir John Hay of Lands, Lord Clerk-Register, or any six of them, the Chancellor or one of the Archbishops being one, that as Sir James Skene, President of the College of Justice, had undertaken to prove that he had been told that the Earl of Airth had said that he should have been King of Scotland, and that he had better, or as good, a right to the Crown as the King himself, they should try whether the same be true or but calumnies.

¹ History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, Appendix, p. xlix.

² Sir John Scot's True Relation, quoted in History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, Appendix, p. 1.

by citing Sir James Skene, and causing him to name his reporters; and if they should deny, to examine any good witnesses which Sir James should produce against them, and forward their signed depositions to him.¹ In another letter to the same persons, the King informs them that Sir James Skene has given up the names of his authors, viz., Lord Ramsay and the Constable of Dundee, for the statement that Airth should have been King of Scotland, and the Earl of Wigtown and Sir James Maxwell of Calderwood for the other alleged statement that he had as good a right to the Crown, or better, than the King himself.² At the same time, his Majesty directed the Chancellor to grant the Earl of Airth the use of advocates for his defence so far as lawful.³

In the midst of all this painful commotion, the Earl of Menteith demeaned himself with unexceptional submissiveness to the will of the King. Though conscious of the justice of his claims, and ready to dispute them with subjects, whenever the King's desire was known he at once gave way. Whether this arose from a deep-seated feeling of reverence for the Sovereign, or from a sense of his own impotency to maintain the unequal contest, or from fear lest the loss of his head should be the penalty of opposition, it is not easy to infer. When the charges of treasonable speeches were also made against him, his position was one of the utmost hazard. About this time the Earl wrote an information to the King on the charges made against him, in which, however, he dwells more on the matter of the earldom of Strathern, and takes occasion to mention other troubles in which his house was already being involved in consequence of the change in his fortune. He says:—

My wyfe hes writtin to me that your Majestie said to her that I went too farr on in bussines of Stratherne. This greeves me not a litle, seeing zow know that I went not one foote nather in the begining, progres, nor ending, but be zour advocates advyse

¹ Vol. ii. of this work, p. 50.

² *Ibid.* p. 51.

³ *Ibid.* p. 52.

and directione, and your Majesties owne allowance ; first, when I shew all my evidents befor the prescriptione to him, he advysed and directit me to renunce, which I did. Therefter, when I was in England with your Majestie, the advocate writ to me to serve my self heire to Erle David, which I gave way to, and in my absence he did it ; then he desyrit me to renunce over againe, which I likwayes did ; and almost three zeares efter this was done, Sir James Skeene, Sir Johue Scot, and Sir Archibald Achisone brought this service in questione, becaus of their particular splen at me, and at the advocate for not seconding their base euds, and did signe ane paper which they send wpe to your Majestie, which is meerly treasonable, and zit is past by, and words (which I protest to God I never spoke) are chased throw twentie hands. Efter this paper came to your Majestie, I came wpe to England, and desyrit to know what zow wold have done in that bussines of Stratherne, for I desyrit not to keepe that styll which was once brought in questione, and Sir Johne Hay (now Clerke of Register) drew wpe one letter (which your Majestie signed) to your advocate, commanding him to call to himself wther three of the best advocats in Ediuburgh, and all of them to advyse togidder, whether it was fitt that the services of David, Erle of Stratherne, should be reducit or uot, and all of them did signe that it was fitt to reduce them, which I gave lykwayes way wuto, and writ wpe to Sir John Hay, who was then at Courte, and desyrit him to aske if it was your Majesties pleasure that the reductione should goe on ; he writ bake to me it was, which letter I have. This is my proceeding in the bussines of Stratherne ; judge then how I have been wsit, and I trwst that one day God will judge betwixt these calumniators and me. I wish your Majestie knew their harts and myn alsweill as zow see their bodies, and then zow wold easilie make the differeuce, and know who war the most loyall subjects. God will doe this in his owne tyme, altho' for the present I be made miserable, and the subject of oblequie of the heall kingdome, and my creditors hes alreddie served inhibitiones against me, as if I war a bankerupt ; and befor I was your Majestie's actuall servant, I protest to God I may say I never knew what it was to be cravit for moneyes.¹

It would seem to have been in reply to this information that the King

¹ Original in Charter-chest of Duke of Montrose.

wrote to Airth on 7th May 1633, that he was at liberty to retire to any of his own residences in the country until his Majesty came to Scotland, and expressed the hope that the things laid to Airth's charge would be found to be but calumnies. He added the promise that he would have a care of the standing of his house and credit, and would give him that mark of his favour which he had promised.¹ On the first of the same month, John, Earl of Traquair, received the following holograph letter from King Charles:—

TRAQUAIR,—Because I imagen that upon this acusation of the Earle of Airthe his creditors will prease so upon him that it may turne much to his disgrace, I would haue you deale with them to haue patience, at least till he hes cleered himselfe of this imputation, for ye may assure them that he prouing himselfe an honnest man (which I make no question but he will), that I shall make good all those precepts that I haue promised him ; so farwell. The first of May 1633.

Your frend,

CHARLES R.²

In view of the inquiry by the Commission, the Earl of Menteith prepared a statement of the evidence which ought to be obtained in support of such an allegation. In it he says—

The Lordis would be informed of the qualitic of the artickles, which ar only foundit vpon a report from a thrid persoun wha is not named. . . . The signer of the artickles wold be first examined befor the Commissioneris vpon thir poyntes—1, who spak it to him ; 2, when ; 3, wher ; 4, befor quhat witnesses ; and last, whither offer nor once. . . . Then the speiker must be examined and vrged iff he will grant or deny the speiking thairoff. . . . Iff the first speiker to the accuser deny, then the accuser must produce his witnesses. . . . Becaus I am suir that never such wordis wer spoken be me nor thoct, and that it is a manifest lie, thairfore he must condescend vpon his witnesses, and be examined thairvpon, vtherwyss he must be committed to ward til he condescend sine he accuses me of treasoun and proves nott.³

¹ Vol. ii. of this work, p. 53.

² Original at Traquair.

³ Original in Charter-chest of Duke of Montrose.

The Commission met on the 20th of May, and obtained the depositions contained in the minute, which, with the following letter, was sent to the King next day :—

Halyruid Hous, 21 May 1633.

MOST SACRED SOUERANE,—Your Maiesteis lettre and commissioun of the first of May last, towcheing that mater of the Earle of Airth, come to our handis vpoun the sevint of the said moneth. After the ressett wherof we conuenit, acceptit the commissioun, and gaif oure oathe bothe for secrecie and the duetifull discharge thairoff And being reddie to haif gone on vpoun the examinatioun of the particularis contentit in your Maiesteis commissioun, we wer a litle hinderit by the not homecomeing of Sir James Skeene, who wes the speciall partie whome that mater concernit, and how soone he come heir, we conuenit at the first occasioun, examinat the said Sir James himselff, and three of his authouris gevin vp be him, the fourte, vpoun occasioun of his seeknes, being excused ; and his and thair depositionis we haif with this bearair, one of our nomber, and who wes present with ws in our whole proceedingis in this commissioun. send vnto your Maiestie. And towcheing these who ar gevin vp be the said Sir James his authouris to be thair informaris, we haif appointit the 25 of this instant for thair examinatioun, and haif writtin to thame to be heir for that effect ; and vpoun thair examinatioun we sall acquēt your Maiestie what forder salbe found heirin. In the meantyme, remitting the relatioun of all the particularis occurring in this bussynes to the sufficiencie of this bearair, vnto whome we will humelie intreate your Maiestie to gif credite, we pray the Almighty God long to preserue your Maiestie in healthe and happynes, and we rest,

Your Maiesteis most humble and obedient subiectis and seruitouris,

DUPLIN.	LAUDERDAILL.
MORTON.	W. AIRR.
GLASGOW.	J. HAY.
HADINTON.	

To the King his most sacred and excellent Maiestie.¹

¹ Original at Traquair.

The minute containing the depositions is as follows:—

At Halyruidhous, the 20 of May 1633.¹

In presence of George Viscount of Dupline, Lord Heigh Chancellor, Williame Earle of Mortoun, Lord Thesaurair, Johnne Archebishop of St. Androis, Patrik Archebishop of Glasgw, Thomas Earle of Hadintoun, Lord Preuie Seall, Johnne Earle of Lauderdaill, Williame Viscount of Air, Johnne Lord Steuart of Tracquir, and Sir Johnne Hay, knight, Clerk of Register.

Sir James Skene of Currihill, knight, President of the Sessioun, compeirand personalie befor the Lordis Commissionaris aboue writtin, and being demandit who wer his informaris and reportaris vnto him of the speecheis gevin in be him vnder his hand to the Kingis Majestie, beareing that the Earle of Airth had said that he sould haif bene king him self, and that he had better or als goode right to the Crowne as his Maiestie had, deponis that the first speecheis, to witt, that the Earle of Airth said that he sould be king him self, that the Lord Ramsay and the Constable of Dundee wer his informaris; and for the secund speecheis, to witt, that the said Earle said that he had better or als goode right to the Crowne as his Maiestie had, that the Earle of Wigtoun and the Laird of Calderuode wer his informaris.

Thairafter being demandit be the Lord Chancellor yf he had ony farder to informe or prove concerning ony point of his Maiesties commissioun send doun anent this mater, answers that first he desyrid that the tua pointis aboue writtin, and the foure personis his informaris, sould be examined and tryed, and then he wald advyse yf he wald say ony forder.

Sic subscribitur : SIR J. SKENE.

Williame, Lord Ramsay, examined in presence of Sir James Skene, and demandit yf he said to Sir James that he hard be report that the Earle of Airth had said that he sould haif bene king, deponis that he rememberis that he said to Sir James Skene that he had hard that the Earle of Airth being in discours anent the noblemen of Scotland, he said that no subiect could compair with him, and that he sould haif bene king.

And being demandit who were his authours, and who spak thir wordis vnto him, deponis that the Laird of Balnamoone wes his authour, who said that outhere he hard

¹ Contemporary certified Copy at Traquair.

thame him self, or that his brother the Lord Carnegie had hard thame of the Earle of Airth.

Sic subscribitur : RAMSAY.

Johne, Earle of Wigtoune, examined and demandit in presence of Sir James Skene, knight, yf he said to Sir James that he hard that the Earle of Airth had said that he had better or als goode right to the Crowne as his Maiestie had, deponis that he cannot perfytlie remember of the wordis, bot sayis that he outhr spak these wordis or some wordis to that sense.

And being demandit who wer his authouris and spak thir wordis vnto him, deponis that the Lord Carnegie wes his authour and spak thir wordis vnto him, and in end haueing takin the afternoone to aduise yf he wald gif vp ony ma authouris, he in the afternoone gaif vp his awne sone, the Lord Fleming, to be ane informair.

Sic subscribitur : WIGTOUN.

Johne, Lord Fleming, examined, deponis that he haueing occasioun to go with the Lord Montgomerie to visite the Lady Marquesse of Hamiltoun, he, the said Lord Fleming, in the Lord Montgomeryis presence and heiring, hard the Lady say that the Earle of Airth said to hir that he had als goode right to the Crowne as the King had, and that she answerit these wer foolishe speecheis, wherunto the Earle replied, I haif said als mutche to the King him self.

Sic subscribitur : FLEMING.

Sir James Maxwell of Calderuode, examined, and demandit in presence of Sir James Skene, knight, yf he said to Sir James that he had hard that the Earle of Airth said that he had better or als goode right to the Crowne as his Maiestie had, deponis that he can not preceislie remember of the wordis, bot sayis that the wordis that he spak to the said Sir James Skene wer to that sense and to that conclusioun, that the Earle had right to the kingdom of Scotland. And being demandit who wer his authours and spak this vnto him, deponis that the Ladie Marquesse of Hamiltoun spak it vnto him.

Sic subscribitur : J. CALDERUODE.

Tenet cum principali,

J. PRYMROIS.

When King Charles received the depositions, he was preparing for his journey to Scotland for his coronation, and on 15th June 1633 he arrived at

Holyrood. He then appointed the 24th of that month for the trial of the Earl, and on the 23d wrote to four advocates, Thomas Nicolson, Roger Mouet, Gilbert Nilson, and David Prymrose, directing them to inform themselves for the defence of the Earl, and appear in his interest on the morrow.¹

Whether this trial took place on the 24th has not been ascertained, but another diet was held on 10th July following, which the Earl was unable to attend by reason of sickness. All attempts to make the Earl plead guilty of uttering treasonable speech proved unavailing, as he continued in a firm denial. On 10th July he wrote to the commissioners that he would never acknowledge the words in Sir James Skene's paper, for he never spoke them. As to equivalent words, or words which might be drawn to the sense of those alleged, he desired to hear them, for if he had made such a slip, he solemnly protested that he would ingenuously acknowledge it. But having examined himself from infancy, so far as a man's memory could instruct him, he did not remember that any such words had escaped him. Yet, he proceeds, seeing his Majesty has, by examination of those of good quality (whose names I do not know), collected as much by circumstances as that some words tending to that sense, either when I was a child, or (as they may call it) being either drunk or mad, has slipped from me, I will rather submit myself absolutely to my master's good will and pleasure, to underlie what it shall please him to impose upon me, than be tried by any judicatory, with this addition, that (as I have a soul and wish it to be saved) I had never a disloyal thought to my master, so that if any words alleged to be spoken in my infancy, or as I have said before, are now by the malice of some wrested to that sense, I am confident his Majesty and your Lordships will rather think it error and *lapsus linguæ* than *mentis*. This is all I can say, and withal, do humbly submit myself to his Majesty's will and pleasure, who, I doubt not, when he

¹ Vol. ii. of this work, p. 53.

shall compare my actions and integrity with these words which he has heard now, will have respect both to myself and to that house of mine which is now of above two hundred years' standing, without any touch of disloyalty.¹

It would appear that the Commissioners communicated the Earl's inclination to submit to the King, as, on the 14th July, his Majesty wrote to Traquair, that if he found the Earl of Airth come to such a confession as would be satisfactory to the King, he was to "assure him of his lyf and forfaitour."² Upon the strength of this assurance, Traquair, on the following day, obtained a written submission from the Earl of Airth. The submission first offered by Airth was as follows :—

Notwithstanding that I haue examined my self, even from my very infancy, and that I protest to God I can not remember that ever I spoke thes words in Sir James Skeens paper, or any words to that sence, zit, seing persons of qualitie hes affirmed so much to his Majestie as, in the strictnes of law, micht be a probatione, I doo absolutly submit my self to his Majestie, to be disposed at his pleasour.

And concerning the services of Strathern, altho' I protest to God I did not proceide ane iote in them, bot be the advyse and directione of sum quha hes speciall trust from his Majestie in maters of law, and quhows iudgment is a greate deall better nor myne in busines of that kynd, quhich I am habill to verifie, zit, seing it is conceaved as a thing wnfitting to have beenc doone, I doo lykways in that submit my self to my gracious master, to be disposed wpon at his pleasour.³

This was evidently considered too strong language by Traquair, who prevailed upon the Earl to alter it to the following :—

SIR,—Hauing examined my self from my infancie, I cannot, wpon my soule, remember that ever I spok those words as ar contained in Sir James Skeene his paper, zit finding by the depositiones of persones of qualitie to zour Majestie that sum such

¹ Vol. ii. of this work, p. 153.

² *Ibid.* p. 54.

³ Original, holograph of the Earl of Airth, at Gartmore.

words may have escaped me as in law may bring my lyf and fortune in your Majesties reverence, I will not stand out, bot as guiltie, in all humilitie submitt my self at your Majesties feett. At Hallir[uid Hous], the 15 Julij 1633.

A[IRTHE].¹

Altho' in the service of Stratherne I did nothing bot be the advyse and speciall directione of thes quha wnderstands better maters of law then I doo, as I shall by vrett verifie, zit now, finding it a busines altogether wnfittin' to have bene doone, I will no more justifie the same, bot in all humilitie acknowledge my error that wpon any information quhatsumever should have doone that quhich may, so iustly, offend his Majestie against me, and therefore I doo humblie submite myself to his Majesties gracious pleasour. At Hallir[uid Hous], the 15 of Julij 1633.

AIR[THE].

Altho at the first I did not conceave ther hade bein any thing in my service of Stratherne but that quhilk hade bein fair and right, zit, efter better consideratione, finding it, both in mater and forme, altogider against your Majestei, I will no more justifie the same, but in all humilitie acknowledge my error.

And altho' be this submission I cum schort in doing that quhilk my falt deserves, zit lat me humblie intreat your Majestie to apardone me to mak my self as litle guiltie in a busines of this nature as may be, putting the rest upon your Majesteis clemency.²

On receiving this submission, Traquair wrote a letter to the Earl of Airth, promising either to procure his Majesty's pardon or to inform Airth again of the result if otherwise.³ Traquair also wrote with the submission to the King, adding that the Earl had retired to the country, not to stir from his own house till his Majesty's pleasure were known, and asking the King to consider the doom or sentence his Majesty was to pronounce against him,

¹ The letters within brackets in these two signatures are torn out of the original.

² Original at Traquair. The two para-

graphs signed by Airth are holograph of that Earl; the other two are holograph of Traquair.

³ Vol. ii. of this work, p. 153.

so that it might be made in form of law.¹ "He is to be foirfait and adictit to perpetuall prisone," wrote William Maxwell, an Edinburgh advocate trained under Sir Thomas Hope, to his cousin Sir John Maxwell of Pollok, and added, "He standis to his defence and denyall both of the wordis and of the equivalency thereof, and alledges nothing provene. But the contrare is credibly repointit."²

King Charles does not appear to have been in haste to pronounce his decision. The Earl of Traquair wrote to the Earl of Morton that the King's pleasure as to the Earl of Airth was to be declared on the first Council day in November.³ This was the 8th, and on that day George, Earl of Kinnoul, Lord Chancellor, produced before the Council a letter from the King intimating the sentence against Airth. That Earl being present, acquiesced in the sentence, and granted the following demission of his offices and surrender of other rights demanded by the King:—

Be it kend till all men be thir present lettres, me, William, Erle of Airthe, forsaeckle as it hes pleased his sacred Majestie, by his hienes letter direct to my Lord Chancellor, of the dait the nynt of October last, to declare that whereas his Majestie, vpon the commissioun for tryell of some treasonable speeches spokin by me, hes found sufficient proofes to beleeve the same, and that I have by my owne acknowledgement confessed als muche in effect, togidder with the great fault committed by me in my service to the earledome of Stratherne. In regarde whair of his Majestie, by his letter, hes found that I am not worthie to enjoy the charges which I have formerlie borne in the estate, nor yitt the pensioun allowed to be payed to me furth of the Exchecker, and hes commanded the said Lord Chancellor to require me to surrender vp into his Majesteis hands my charges and places of presidentship in Counsell, Justice-Generall, and place in Sessioun, to be disposed of as his sacred Majestie sall be pleased to appoint,

¹ Vol. ii. of this work, p. 154.

² The Maxwells of Pollok, by William Fraser, vol. i. p. 440.

³ History of the Earldoms of Strathern

and Monteith, Appendix, p. lxxxviii. The letter is dated 23d November, but this is an evident mistake, as that would have been a fortnight after the meeting had taken place.

togidder with the gift of my pensioun, formerlie grantit vnto me by his Majestie. Thairfoir, and for obedience of his Majesteis sacred will and ordinance, witt zee me to have resigned and surrendered, lykeas I now, compeirand in presence of his Majesteis Secreit Counsell and Exchecker, resigne and surrender into thair hands, as in the hands of his sacred Majestie, the places, offices, and charges of President in Counsell, Justice-Generall, and place in Sessioun, togidder with my pensioun of fyve hundreth pundis sterline, grantit vnto me be his sacred Majestie, with all gifts, lettres, patents, and others warrands whatsomever grantit to me be his Majestie for injoying of the saids places, and for bruiking of the said pensioun, with all honnoures, digniteis, fees, priviledges, and others immunitieis whatsomever, dew to me be vertew of the saids gifts, or anie of thame, in all tyme comming, to the effect his Majestie may dispose therevpon at his pleasure ; and for the mair securitie I am content, and consents that thir presents be insert and registrat in the Bookes of Secreit Counsell, Sessioun, and Exchecker, ad futuram rei memoriam. And for that effect makes and constituts, etc., my procurators, to compeir and consent to the registrating of the premiss, in maner foresaid. In witnes whairof, I have subscriyved thir presents with my hand, at Edinburgh, the aucht day of November, the zeere of God i^mvj^c threttie three zeeres.

Sic subscribitur : AIRTHE.¹

The Earl of Airth was also ordered by the King to be confined to his own house, and bounds belonging thereto, which were not near the Palace of Holyrood, where the public meetings of the Estates were kept, to which the Earl likewise promised a dutiful obedience.

The execution of this command did not yet afford a sufficient security for King Charles against the possible resumption of the claim to Strathern, and a letter written by Traquair to the King, intimating that his sentence against Airth had been carried into effect, informs us also of his desire for further measures being taken to annihilate all possibility of pretension to the earldom of Strathern again.² Traquair says:—

¹ Extract Act of Privy Council (including this Renunciation) at Traquair.

² Mr. Riddell remarks that King Charles's anxiety to efface all vestige of the services

SIR,—The Erle of Airthe hes compeired before the Counsell, aud, according to your Majestie's pleasure signified to me, and be zour letter to the Lord Chancellour, hes dimitted his offices and pension. The Chancellour conveyined Sir Thomas Hope, zour Majestie's advocat, togidder with Sir Lues [Steuart] advocat, Mr. Andro Aytoun, and Mr. Thomas Nicolsoue, pryme advocatis in this kingdome, and to them all togidder hes signified zour Majestie's pleasure anent the service of Stratherne for reduceing and annihilating the same, and finding out some such course as all ground for the lyke errorr may be taken away ; which busines they have taken to their serious consideratioun, and with me have had some meitingis concerneing the same : Bot becaus of the Lord Chancellour his present indispositioun of health, we cau mak no conclusioun theriu.¹

The Earl of Airth's humiliation was now complete, and he retired to his residence at Airth, where he was forthwith beset by creditors and others, and soon reduced to great distress. He had already intimated to the King the difficulties in which he was beginning to be placed through his expenses in his Majesty's service, and their non-repayment; and King Charles, though content for the security of his own succession to crush the Earl of Menteith, seems yet to have been unwilling to forget the labours of a faithful servant, now reduced to the brink of ruin. Commiserating his condition, the King, after some conference with the Earl of Traquair, promised help, a favour which Airth, in writing to the King on 3d April 1634, thankfully acknowledged. In that letter to Charles he frankly told him his condition,—that he had made a contract with those of his friends who were cautioners for some of his debts, in which he had pledged all his lands for their security, intending that they should only relieve themselves thereby; but they had obtained

to Strathern "after unjustifiably and illegally reducing them, is peculiarly striking." He also refers to a letter from the King to Sir Thomas Hope, urging "the cancelling of the writtis and warrandis," and to see

them "deleit and raised out of the registeris." In an autograph postscript the King adds, "This I most have principallie performed."— [Tracts Legal and Historical, p. 205.]

¹ Contemporary Copy at Traquair.

a decree before the Lords of Session of all his lands, and were taking possession, although the lands were more than three times the value of his debts. He was to be denuded of them at Whitsunday next, but had the right of reversion at the Martinmas term following if he paid all by that time; if not, the lands were gone entirely from him. For the payment of other debts he had already sold one barony and mortgaged another. He then besought the King either to satisfy his cautioners before the terms he had named, or suffer him to leave Scotland, and betake himself to some place where he might live and die unknown, and not see the ruin of his house.¹

Shortly after the report of the Earl's distress reached him, the King wrote to Archbishop Spottiswood that he had instructed his officers to pay with all possible diligence the sums he had formerly granted to the Earl, so that his estate might be recovered, and his creditors and cautioners satisfied; but as the money could not all be paid at once, the Archbishop was directed to arrange in some fair way for the payment of his creditors over the space of two years or more, providing that the arrangement inferred no present possession of any part of his estate, and the Earl was to pay them a termly interest, or forfeit the benefit of this forbearance.² In the letters to his officers, Charles declared his intention of giving for the relief of the Earl's urgent debts 132,000 merks Scots, and during the non-payment of that sum, £500 sterling yearly. He also proposed to buy the Earl of Airth's house near Holyrood for 18,000 merks, and to give 30,000 merks for the resignation of the Countess of Airth's pension of £500.³

But the King's instructions seem to have been of little avail, for if they were ever intended to be executed, they were greatly disregarded. In a letter which the Earl wrote to Charles, he thanks the King for what he had commanded to be done, and says that if they had really been performed by

¹ Vol. ii. of this work, p. 155.

² *Ibid.* p. 55.

³ *Ibid.* p. 56.

those to whom his Majesty intrusted them, they would have effected the purpose intended. But not a penny had been paid of the sum named in the warrant, nor of the consideration which was to be given during its non-payment, and which might have contented his creditors; nothing had been paid for his house near Holyrood, nor for his wife's pension, for which he says he had already paid 42,000 merks Scots. He assigns as a reason for this, that he whom his Majesty thought his greatest friend had ever been his greatest enemy,¹ yet because his Majesty employed him, he trusted him, and they had both been deceived. The amount his Majesty had promised, though far short of the sums for which he held warrants under his seals, and also short of his debts, would yet, if presently paid, save his house; but, he says, the process in law is going on against me, and in less than a fortnight I will be dispossessed of my whole estate.²

Two of the Earl's creditors were the Earl of Loudoun and Lord Forrester, who probably for their own sakes were anxious that the King's grants should be paid. The Earl of Loudoun wrote the following letter to the Earl:—

Edinburgh, the 25 December 1634.

MY NOBLE LORD,—The Earle of Traquair affirms his Lordship is willing to caus pey two and twentie thowsand merkis to the Lord Forrester and me in your Lordship's name to morrow morneing, quhairof ther is threttein thowsand fyve hundreth fowr scoir three merkis dew to me for byrwn annuellrenttis, conforme to the compt maid befor my Lord Innerpeffer and Cranistoun; and vpon my resaitt thairof the morne befor nyne houris, I shall gif your Lordship ane discharge, and shall remain,

Your Lordship's loveing cusine to serve yow,

LOUDOUN.

To my verai noble gude Lord, my Lord Earle of Airth, from the Lorde Loudoun.³

¹ The reference is to John, Earl of Traquair.

² Notes on Inchmahome, by the Rev. W. MacGregor Stirling, p. 150.

³ Original in Charter-chest of Duke of Montrose.

As the Earl of Airth in his prosperity and power had favoured the Lord Advocate Hope, it is gratifying to find that in his distress the latter was not unmindful of the benefits which he had received. In a letter to the Earl on 19th January 1635, he says,—“ We have had a meeting with the Earl of Traquair, in presence of your Lordship’s tenderest friends of both sexes, the Countess Marischal and the Earl of Roxburgh;” and after informing the Earl of their satisfaction therewith, advises him to come personally to Edinburgh in the following week.¹ At a later period he endeavoured in the Earl’s absence to obtain a satisfactory settlement of his affairs.²

Notwithstanding the treatment he received, the Earl continued well-affected to King Charles the First, and on 28th December 1636, received a letter of thanks from him for the capture within his jurisdiction by his eldest son, John, Lord Kilpont, of a notorious thief, John Dow Roy Macgregor, the eldest brother of Gilderoy, in effecting which a near relation of the Earl’s was slain. The King assured him that to seek opportunities thus of doing him service was the best way to regain his favour.³ The prisoner had been taken to Edinburgh for trial, and as that might have proved prejudicial to the Earl’s exercise of his justiciary powers in Menteith, a supplication was presented by Lord Kilpont to the Privy Council, who passed an Act on 15th December 1636, declaring that the “ takeing and exhibition of the said John Dow to his tryell and punishment heir before his Majesties Justice, sall not be prejudiciall to the said Earle of Airthe his right, if he anie hes, of judgeing malefactors apprehendit within his bounds, as accords of the law. And the saids Lords ordains the supplicant to produce before thame the said Earle of Airthe his infetment of justiciarie, before the day appoynted for the tryell of the said John Dow, to the effect

¹ Vol. ii. of this work, p. 147.

² *Ibid.* p. 148.

³ *Ibid.* p. 58.

the saids Lords may consider therof, and give suche answer to the desire of the supplicant anent the judgeing and sitting vpon the said John Dow as they sall find caus."¹

On 14th December 1637, the Privy Council, at the King's command, passed an Act for the enlargement of the Earl from the confinement to the bounds of his own earldom, to which he had been condemned four years previously.² He was soon after in increasing estimation at Court, and a London friend, who signs himself "Jo. Wishart," wrote, on 17th March 1638, congratulating the Earl on his restoration to favour. "My Lord," he remarks, "in my opinione yor resurrectione frome the grave, wherein yow lately lay, to the feild wherein yow now stand, was a harder taske then being rissen to remount to the highest spheare that ever yow moved in."³ The Earl was probably assisted in his recovery of Charles's favour by his refusal, in contrast to most of the other Scottish nobles, to take the Covenants, or have anything to do with the Covenanting party, for which both he and Lord Kilpont were thanked by the King, who promised in a letter to the Earl, dated 19th March 1639, that he would not forget him when occasion offered.⁴ In the same year the King re-appointed the Earl a member of the Privy Council, and he was re-admitted on 8th August.⁵ With his own hand, also, the King wrote, requesting him to attend his Commissioner as one of the Council at the Assembly and Parliament to be held during 1639.⁶ Airth attended both conventions. At the latter he protested for his proper precedency, was one of a committee for the consideration of some supplications for redress of disorders in the North, and was to be consulted respecting the disjunction of

¹ Extract Act of Council in Charter-chest of Duke of Montrose.

² Original Extract, *ibid.*

³ Notes on Inchmahome, by the Rev. W. MacGregor Stirling, p. 141.

⁴ Vol. ii. of this work, p. 59.

⁵ Original Letter and Extract in Charter-chest of Duke of Montrose.

⁶ Vol. ii. of this work, p. 61.

seven parishes from Stirlingshire and their addition to Dumbartonshire.¹ At the close of the meetings he wrote to his Majesty a short account of the Assembly, and asking direction in two particulars:—1st, What he should do in the matter of the Covenant, seeing the Commissioner and most part of the Council had signed it? and 2d, Whether he should give his opinion in the Council on any matter conducive to his Majesty's interest when he was not asked, or remain silent? The King replied that he esteemed those more who did not than those who took the Covenant; and as to the other, he thought if his opinion were asked by the Commissioner, he would do well to give it, but if not, it would be expedient not to offer it.² In addition to other private matters, King Charles, in the same year, intrusted the Earl of Airth with negotiating the purchase from the Earl of Mar of certain heritable offices held by him.³ About this time also the Earl and his son, John, Lord Kilpont, were made lieutenants of Stirlingshire by King Charles, to raise men against the Covenanting party.⁴ The Earl and Lord Kilpont both remained strong partisans of King Charles, although they seem not to have provoked the prevailing party needlessly. In 1644, Airth wrote to the Earl of Loudoun, then Chancellor, to know the truth of a report that he was to be denounced for not subscribing the Covenant, to which the Chancellor replied:—

Edinburgh, 13 of Aprile 1644.

MY NOBLE LORD,—I received youris, bot was so takin vp with important bussines, that I had no tyme to returne your Lordship ane anser till now. It is more then I know if your Lordship be denunceit for not subseryveing the Covenant. Bot if your

¹ Acts of the Parliaments of Scotland, vol. v. pp. 254, 599, 607.

² Vol. ii. of this work, pp. 156-158.

³ Vol. ii. of this work, p. 60.

⁴ Original in Charter-chest of Duke of Montrose.

Lordship have done, or be willing to doe it, it will tak away any danger of that kind. . . .

Your Lordship's most affectionat cowsigne and servand,

LOUDOUN.¹

In the same year John, Lord Kilpont, was assassinated in the camp of the Marquis of Montrose at Collace, by one of his own retainers, James Stewart of Ardvoirlich. The circumstances of that unhappy slaughter will be found fully detailed in the memoir of Lord Kilpont, which immediately follows this memoir of his father.

The debts due by King Charles to the Earl still remained unpaid. In a letter to James Livingstone of Beill, one of his Majesty's Bedchamber, sent with the messenger who conveyed the letter to the King, he acknowledges a debt as due to him, and promises him payment at once; "for altho," says he, "his Majestie be owing me far greater soumes, yet I shall never, for such ane trifle as is owing me, have such ane base thoct as to seeke allowance of such ane soume; therefore expect it, and lett not this berar nor any living know that there is anything of this kynde betuix yow and me." The Earl had tried many ways to get some settlement, but all was in vain. In a letter to John, Earl of Traquair, Sir Lewis Stewart of Kirkhill wrote on 13th April 1637:—

MY LORD,—Upon Satterday last my Lord Airthe, pretending to seik his saising off Kilpunt, cam to my chamber, quhar he fell out in ane long and greitt complaint for want of his moneyis, the payment quheroff he hes attendit this 3 yeiris, so that he hes not been at hom fyve monthis off the 36 to attend his affairis at all thir tymes.²

One of these debts was acknowledged by his Majesty in a letter to the Lords of the Treasury on 12th November 1641, in order to pay which he granted to the Earl of Airth a lease of the free rents of the lordships of

¹ Original in Charter-chest of Duke of Montrose.

² Original Letter at Traquair.

Fife and Menteith, amounting in value to about £700 yearly, for five years, and for as many years thereafter as was necessary for the full payment of the amount, it being provided that the lease should, *ipso facto*, expire as soon as the sum was paid up. The Lords of the Treasury were instructed by special warrant to give effect to this lease at once, even though contrary instructions should have been previously given, or any Act of Parliament or Exchequer stood in the way.¹ This, however, was not done. In 1642 the King again wrote requiring the Lords of the Treasury to expedite the lease,² but with no better success, as the following minute of the Lords of Exchequer bears:—

Apud Edinburgh, duodecimo die mensis Martij, anno Domini Millesimo
sexcentesimo quadragesimo secundo.

The quhilk day, anent the tak of the rents of Fyffe and Monteith, presented to the Lords of Exchequer sittand in full number, and craved be way of signature to be past in favours of the Erle of Airth; the Lords (howsoever conceaveing the same to be granted be his Majestie for ane cause onerous in the way that the samen is drawn up) declaired they could not at this tyme pas the same, bot that they wold tak the samen to their consideracioun in a convenient tyme; whereupon the said Erle of Airth, being personally present, asked instruments. Extractum de libris actorum scaccarii per me,
ALEX. GIBSONE, Cls. Regri.³

The King then dropped the project of the lease, and ordered that £7000 should be paid to the Earl out of the first and readiest of the customs. "This," he adds, "we recommend seriouslie vnto you, and expect your performance thereof."⁴ The Earl was again being pressed by his creditors, whom they were enjoined either to satisfy to the above amount, or pay the whole sum to the Earl. Yet neither was this done, and King Charles the

¹ Vol. ii. of this work, pp. 61-64.

² *Ibid.* p. 65.

³ Original Extract in Charter-chest of Duke of Montrose.

⁴ *Ibid.* p. 67.

Second, in the year 1651, acknowledged the debt as a just one, and due to the Earl of Airth, namely, £7000 in one sum, and £700 yearly, until it were paid in one sum, and he promised on the word of a prince to see it faithfully paid whenever he found occasion.¹

In addition to these orders for payment, there are not a few others which in general shared no better fate than the rest. How much had been paid may be inferred from the amount due at the time of the Earl's death, which is stated in a petition by his grandson to King Charles the Second to have been upwards of fifty thousand pounds. But the Earl's affairs were becoming hopelessly involved, and in 1643 he lost the lands of Kilbride, which passed into the hands of Sir William Ruthven of Dunglas, who, on the 18th April of that year, obtained a decree of apprising against the Earl for payment of some of his debts due to several persons, amounting in all to £23,697 Scots, to which was added £1180 for Sheriff fee.² The barony and castle of Kilbride were, in 1686, in possession of Sir Colin Campbell of Aberuchill,³ and are still the property of his descendants. The lands of Airth had only remained a very short time in the Earl's possession. They were appraised, in 1638, from him by Mr. Robert Davidson, who disposed them in the following year to Sir Thomas Hope of Kerse. After exchanging hands several times, they were granted by the Crown in 1648 to Bruce of Airth. From the Bruces they were acquired by the Elphinstones, subsequently by William Dundas, son to Dundas of Kincavel, who, in 1715, sold them to James Graham of Airth, Advocate, Judge of the High Court of Admiralty.⁴ The lands of Mondowie, obtained in 1635 from John Graham of Rednock, were three years later

¹ Vol. ii. of this work, p. 68.

³ Acts of the Parliaments of Scotland, vol. viii. p. 631.

² Notes on Inchmahome, by the Rev. W. MacGregor Stirling, p. 165.

⁴ The Bruces and the Cumyns, by Mrs. Cumming Bruce, p. 638.

wadset to Walter Graham of Glenny, on a letter of reversion which was renounced in the latter's favour for £5000 in 1652.¹ Indeed, the Earl seems by this time to have had no lands he could call his own. His silver plate shared the fate of his lands, having to be used in 1645 to satisfy the claims of the Laird of Keir, who had engaged himself to Sir John Ruthven for the Earl.

In 1643 the Earl was appointed one of the Committee of War for Perthshire,² and in that capacity joined, in 1647, in a complaint against the Laird of Ardkinglas for quartering his regiment in the shire without obtaining the consent of the Committee. The redress sought was, however, refused by Parliament.³ In 1645 he sat in Parliament, and was required to furnish sixty men from the parishes of Drymen, Port, and Aberfoyle, for the Marquis of Argyll's regiment.⁴ In 1650 he appears in a list of the Scottish nobility under the titles of Airth and Menteith,⁵ and in the following year was required by King Charles the Second when at Stirling, towards the close of July, to raise all the men he could in the defence of the kingdom.⁶ On the 15th August previous the Earl had created his cousin, William Graham of Gartmore, his lieutenant, for calling and convening "our hail freindis, tenents, subtenents, cottars, and hirds betuix Achyll and the foot of Lochard," recusants being ordained to pay certain fines.

During the struggle then prevailing in the country the house of Airth was made a garrison by Cromwell's troops.⁷ A supplication was made at the time by the Countess of Airth to Parliament, and remitted by them to a committee to consider how her desire might be effectually met.⁸ In 1654

¹ Original Documents at Gartmore.

² Acts of the Parliaments of Scotland, vol. vi. part i. p. 202.

³ *Ibid.* p. 705.

⁴ *Ibid.* pp. 284, 549.

⁵ *Ibid.* part ii. p. 889.

⁶ Notes on Inchmahome, by the Rev. W. MacGregor Stirling, p. 144.

⁷ Acts of the Parliaments of Scotland, vol. vi. part ii. p. 687.

⁸ *Ibid.* p. 677.

the Earl was ordered by General Monck, then at Cardross, to have the woods of Milton and others in Aberfoyle parish cut down, as they afforded great shelter to the rebels and mossers, and were a harbour for loose, idle, and desperate persons.¹ Much damage was also done to the other property of the Earl during the campaign, the extent of which will be best seen from the following petition, presented to Parliament in 1663 by the Earl's grandson, then Earl of Airth:—

To my Lord Commissionar his Grace, and to the right honourable the Lordis and others of the Articles, the humble Petition of William, Earle of Airth,

Humbly sheweth,—That the paroch of Aberfoyll, perteaning to the petitioner, being neir for twa yeirs the receptacle of the forces raised and commanded for his Maiesties service against the lait usurpers, the said paroch was at last, in August 1654, totallie brunt and weisted by the Inglich army then commanded by the Duke of Albemarle, togidder with the house of Drymen, perteaning to your petitioner, as is notour to my Lord Chancelar and others of your Lordships number; which paroch of Aberfoyll was stocked with the petitioneris steilbow corne, and belonged whollie to him, except only on rowme called Drumlean, and was theu of zeirly rent aught thowsand merkis, quhairof the petitioner was totallie prejudged the yeirs 1653 and 1654. Also by the said burning the petitioner lost his wholle rent 1655, and was necessitat to set the lands at the half of the former rent, in consideratioun of the want of houssis which the tennents was to build againe, and of the want of the steilbow seid corne, wherwith the petitioner had all his rowmes in the paroch stocked, and the petitioner hes never yett gottin the saids lands brought to the twa part of the former rent, wheirthrow, and throw the loss of the houssis and furnitur of Drymen that was also theu brunt, the petitioner was damnefied in the sowm of fourtie thowsand pund and vpward, which losses, with the distresses and former sufferings of the petitioneris familie, merits your Graces favourable consideratioun.²

¹ Vol. ii. of this work, p. 158.

² Acts of the Parliaments of Scotland, vol. vii. Appendix, p. 100.

One of the Menteith papers at Buchanan is the draft of an attempted memorandum respecting the affairs of the earldom by the Earl, but in which he has not finished the first page. He begins thus:—

Because I find my body much decayed and worne weake, and that I know deathe doeth aproche very neir, I have sett down in this paper, to my grandchylde and his freinds, sum articles concerning my estate that could not be so weell knowne to any bodie efter my death, if I had not vrettin thes words in my awin lyfetyme.

He then proceeds to speak of some debts to the Earl of Loudoun which he had settled, and one of eight thousand merks due to the Earl of Wemyss, not yet paid, but breaks off abruptly. The document bears no date, but was probably written very shortly before his death.

William, Earl of Airth and Menteith, appears to have died in January 1661. On the 1st of that month his island home was so surrounded by ice, that his son-in-law, Sir John Campbell of Glenorchy, was unable to gain access to it, although he was very desirous of the Earl's counsel on domestic affairs.¹ A petition by his grandson, who succeeded him as second Earl of Airth and Menteith, to which a reply was made on 26th February 1661, implies the death of the Earl sometime before the latter date.

He was survived by his Countess, who is mentioned in a letter by her grandson, the second Earl of Airth, as having prepared a mutual contract between herself and him, and he shrewdly remarks that it contains many particulars which he will consider well before he sign it.² This lady seems to have been remarkable in the eyes of her husband for her bad bargains in business transactions. At one time during his absence in London she bought a pension of nine thousand merks out of the Exchequer from her uncle the Earl of Carrick, giving him therefor a yearly sum of seven thousand merks.

¹ Vol. ii. of this work, p. 162.

² *Ibid.* p. 164.

The annuity not being paid, debt accumulated, and the Earl of Carrick proceeded against the Lord Forrester, who had become one of her ladyship's cautioners, and took possession of his lands of Corstorphine, and to relieve these, the Earl of Menteith was forced to pay in cash forty-two thousand merks. On another occasion of the Earl's absence at London, she snatched at a proposal made to her by the Earl of Galloway for the marriage of his eldest son, Lord Garlies, to her second daughter, Lady Margaret, and without much ado married them off before the Earl's return, agreeing to give with her daughter a tocher of twenty-seven thousand merks. It cost the Earl thirty thousand merks, and the marriage was in nowise to his mind. "I am sure," he says, "I might have married thrie of my doghters to thrie barouns lying besyd me with that portione I gave to Galloway, any one of which would have beene more wsfull to me then the Earle of Galloway. They hade children, but they all dyed, so that money wes als much lost to me as if I hade castin it in the sea." Afterwards, at her desire, he bought a house near Holyrood in Edinburgh, and was content with his bargain; but her ladyship thought it too small, and on the Earl again going to London she set to work at its reconstruction, which cost twice as much as was paid for it at first. The house was afterwards disponed to his son Sir James on the Earl's removing from Edinburgh, and two years later it was burned down, and so remained when the Earl wrote this account of his wife's business vagaries.¹

By his Countess the Earl had several children.

1. John Graham, Lord Kilpont, of whose life a short sketch is given in the following memoir.
2. Sir James Graham. In a renunciation made by him to his father, at "the Yll Intulla," on 25th May 1650, of his patrimony in

¹ Notes on Inchmahome, by the Rev. W. MacGregor Stirling, pp. 145-150.

return for a "great sowme of money in gold and silver," he calls himself "secund lauchfull sone to ane nobill Erl, William, Erl of Airth and Menteach, Lord Graham of Kilbryd and Kilpount." He also mentions his marriage with "Dame Margret Erskyne, sister-german to the Erle of Buchan." By this lady, the second daughter of James, Earl of Buchan, he had one daughter, Marian, who married Walter Graham of Gartur, and had issue.¹ Sir James married, secondly, Isabella . . . and by her had another daughter, Helen, or Eleanor, who formed the subject of a considerable amount of correspondence between her parents, William, the eighth Earl of Menteith, James, Marquis of Montrose, and John Graham of Claverhouse, part of which has been printed.² The Earl of Menteith being childless, was concerned to prevent the ruin of the ancient house which he represented, and endeavoured to arrange a marriage between the Marquis of Montrose and his cousin, the daughter of Sir James Graham, intending thereby to preserve the blood and the honours of Menteith with the lands which were entailed to the Marquis. This arrangement, however, was not carried out, in so far as related to the proposed marriage. Another distinguished Graham, the Laird of Claverhouse, pressed his suit for the hand of the young lady and the succession of the Earl of Menteith. But this proposal was also destined to failure. Helen Graham afterwards married Captain Rawdon, heir to Lord Conway. Sir James, with his second wife and their daughter, lived for some time in Ireland. He was alive in 1683.

¹ Special Retours for County of Banff, Nos. 126, 127, 160.

² Vol. ii. of this work, pp. 170-204.

3. Archibald Graham. He was a witness to two documents respecting the Marches of Portend and Mondowie in 1652, and also to a disposition by his father to his brother Sir James in 1657.¹ In 1668 he was made an elder in the parish church of Port of Menteith,² a few years previous to which he had, in connection with the same church, appealed to the Synod of Dunblane against a decision of the Presbytery respecting a manse for the minister of Port, and at this time is described as uncle of the Earl of Airth and Menteith.³ He married Janet Johnston, and had a son, John, baptized 21st February 1666,⁴ but he appears to have predeceased his father. Mr. Archibald Graham was alive in 1681, on 13th December of which year he witnessed a contract of marriage between Mrs. Margaret Graham, a daughter of the eighth Earl, and Alexander Stirling of Auchyll.⁵
4. Lady Mary Graham. She married Sir John Campbell of Glenorchy, and had issue. Their son became the first Earl of Breadalbane.
5. Lady Margaret Graham. In 1633 she married, first, Alexander, Lord Garlies, and had issue, who died young. She is said to have married, secondly, Ludovic, fourteenth Earl of Crawford, who died without succession.⁶
6. Lady Anne Graham, who married Sir Mungo Murray of Blebo.

¹ Originals in Charter-chest of Duke of Montrose.

² Notes on the Priory of Inchmahome, by the Rev. W. MacGregor Stirling, p. 172.

³ Register of the Synod of Dunblane.

⁴ Edinburgh Register.

⁵ Original Contract at Rednock.

⁶ It has been doubted if Lady Margaret

was lawfully married to the Earl of Crawford. They had a son called Henry Lindsay, otherwise Andrew Gray or Graym, who attended the Scotch College at Douay in 1657, being then twelve years of age, but was dismissed on account of illegitimacy.—[Sixth Report of Historical Manuscripts Commission, Appendix, p. 654.]

In addition to these six children, Sir Harris Nicolas gives the names of other four—Robert, Patrick, Charles, Jane.¹

¹ Sir Harris Nicolas says: "In 1632 the Earl of Menteith had six sons living, viz., 1. John Lord Kilpont, 2. James, 3. Robert, 4. Patrick, 5. Charles, 6. Archibald, and Anne was then described as his third, and Jane as his fourth daughter."—[History of

the Earldoms of Strathern and Monteith, p. 106, note.] But Sir Harris Nicolas does not state any authority for the four additional names mentioned by him, and no corroborative proof has been found.



Monteith

JOHN GRAHAM, LORD KILPONT
(ELDEST SON OF WILLIAM, SEVENTH EARL OF MENTEITH).

LADY MARY KEITH, LADY KILPONT.

1613—1644

IN the misfortunes which overtook and almost overthrew his ancient house, William, the seventh Earl, never seemed to lose heart. He accepted his lot with but little apparent perturbation, and was always as if looking forward to a brighter day, when the family would once more assert its influence in the State. He had cause for this, too, in the hopeful vigour of his eldest son, John, Lord Kilpont, who in the short period in which he gave his services to his King and country, showed promise of realising his wishes. But all was cut short in the sad, untimely end which met Lord Kilpont almost at the very threshold of his career.

The eldest son of Earl William, Lord Kilpont was probably born about the year 1613. He had almost reached majority when his father's fortune was at its zenith, and on 11th April 1632 was contracted in marriage to Lady Mary Keith, the eldest daughter of William, Earl Marischal, and Lady Mary Erskine his Countess, the Earl Marischal giving as his daughter's dowry thirty thousand pounds Scots, and the Earl of Strathern promising to infest the lady in the baronies of Kilbride and Kilpont, with an annuity of one thousand merks out of the barony of Drummond. In view of their marriage, "shortly to be solemnised," William, Earl of Strathern and Menteith, Lord Graham of Kilpont and Kilbride, and Lady Agnes Gray, Countess of Strathern and Menteith, made

resignation by procuratory of these lands and baronies in favour of John, Lord Kilpont, and Lady Mary Keith.¹

In the course of the same year the marriage took place, and on 1st April 1633 King Charles the First granted a charter of the lands and barony of Kilbride, and the lands and barony of Kilpont, to John, Lord Graham of Kilpont, and Lady Mary Keith, Lady Kilpont, his spouse, and their lawful heirs-male; whom failing, to any other lawful heirs-male of Lord Kilpont; whom also failing, to William, Earl of Airth and Menteith, and his heirs, heritably and irredeemably. This grant was subsequently confirmed on 8th January 1644 by another charter from King Charles, which provided the lands to William Graham, their eldest lawful son, and the heirs-male of his body.²

John, Lord Kilpont, assisted the Earl in the discharge of his duties as Justiciar of Menteith, and was the means of bringing to justice John Dow Macgregor, a member of the Clan Gregor, whom he apprehended in his father's district, and for his service received the thanks of the Council. Macgregor was tried before the Privy Council, and hanged in 1636. He also, along with his father, maintained a constant regard for the interest of King Charles against the Covenanters. From that party he and his father kept aloof, and Lord Kilpont received a letter of thanks from the King, on 2d May 1639, for his conduct, in which the King urged him to continue, as thereby he would certainly meet with favour and reward from him.³ In 1644 he was appointed one of the Committee of War for Perthshire, and in consequence of an invasion of Scotland by the Irish, he was empowered by the Committee of Estates to assemble the men of Menteith, Lennox, and

¹ Original Procuratory in Charter-chest of Mrs. Barclay Allardice.

² Registrum Magni Sigilli, Her Majesty's General Register House, Edinburgh.

³ Vol. ii. of this work, p. 59.

Keir, and was stationed, with about four hundred men, at the hill of Buchanty in Glenalmond, to await the arrival of the Irish, and guard this passage from the west to Perth.

Meanwhile James Graham, Marquis of Montrose, had taken the field, as lieutenant of King Charles the First, against the Covenanters. Putting himself at the head of some twelve hundred Irish troops, who had crossed the channel and met him at Blairathole, and about as many Highlanders, whom the fiery cross had brought from their mountain lairs, Montrose marched for Perth by way of Glenalmond, where, instead of finding resistance from Lord Kilpont, he was joined by him and the whole of his contingent. Lord Kilpont is credited with having persuaded his followers to take this step, and several of these having afterwards fallen into the hands of the Covenanters, on alleging that they were influenced by Kilpont, were dealt with less strictly than others.¹

The progress of Montrose towards Perth was uninterrupted until he reached Tippermuir, a plain about four miles west from Perth, where he encountered a large body of the citizens of Perth and others from the surrounding country, under the command of Lord Elcho. These, after a brief struggle, were dispersed by Montrose, who shortly afterwards, along with Lord Kilpont, took possession of Perth.²

After a few days' stay they left that city, going by Collace, where Montrose gave an entertainment to his officers, at the close of which some angry words passed between Lord Kilpont and an intimate friend, James Stewart of Ardvoirlich, who had held a command with Lord Kilpont, and joined Montrose at the same time. In an ill-fated moment Stewart plunged his dirk into Kilpont's heart with fatal effect. Thus died Lord Kilpont within a month after he joined the party of Montrose. Stewart immediately fled,

¹ Acts of the Parliaments of Scotland, vol. vi. part 1. pp. 323, 338.

² *Ibid.* p. 365.

and betook himself to the Covenanters' army, where Argyll received him and gave him a command as major. The body of Lord Kilpont was conveyed to the family burial-place in the Priory of Inchmahome in the Lake of Menteith, and was interred in the Chapter-house.

Wishart, the chaplain of Montrose and the writer of the commentaries of his wars, gives an account of the unfortunate occurrence, in which he represents Lord Kilpont as falling a victim to his loyalty and devotion for Montrose by the hands of an assassin. He gives the deceased nobleman a high eulogium. His account is as follows:—

“Next morning by break of day (Friday, 6th September 1644), before the *réveilliez*, there was a great tumult in the camp; the soldiers ran to their arms, and fell to be wild and raging. Montrose, guessing that it was some falling out between the Highlanders and the Irish, thrust himself in among the thickest of them. There he finds a most horrible murder newly committed; for the noble Lord Kilpont lay there basely slain. The murderer was a retainer of his (Kilpont's) own; one Stewart, whom he had treated with much friendship and familiarity; insomuch that that same night they lay both in a bed. It is reported that the base slave had a plot to dispatch Montrose; and in regard of the great power he had with Kilpont, he conceived he might draw him in to be accessory to the villany; therefore, taking him aside into a private place, he had discovered unto him his intentions, which the nobleman highly detested, as was meet. Whereupon the murderer, fearing he would discover him, assaulted him unawares, and stabbed him with many wounds, who little suspected any harm from his friend and creature. The treacherous assassin, by killing a sentinel, escaped, none being able to pursue him, it being so dark that they could scarce see the ends of their pikes. Some say the traitor was hired by the Covenanters to do this; others, only that he was promised a reward if he did it. Howsoever it was, this is most certain, that he is very high in their favour unto this very day; and that Argyle immediately advanced him, though he was no soldier, to great commands in his army. Montrose was very much troubled with the loss of that nobleman, his dear friend, and

one that had deserved very well both from the King and himself ; a man famous for arts, and arms, and honesty ; being a good philosopher, a good divine, a good lawyer, a good soldier, a good subject, and a good man. Embracing the breathless body again and again, with sighs and tears he delivers it to his sorrowful friends and servants, to be carried to his parents to receive its funeral obsequies, as became the splendour of that honourable family.”¹

This narration of the circumstances of the death of Lord Kilpont has been the one generally received, and was adopted by Sir Walter Scott in his “Legend of Montrose,” and also in his “Tales of a Grandfather.” It was, however, represented as inaccurate by Mr. Robert Stewart of Ardvoirlich, a descendant of James Stewart, and he sent, on 15th January 1830, to the distinguished novelist an account of the affair, as handed down in the family. Mr. Stewart objected to the account given by Wishart, on account of the “known partiality” of that historian, and his questionable authority when dealing with the motives or conduct of those who differed from him, while the account he offered was a constant tradition in his family, which his own father had received, with most circumstantial minuteness, from the great-grandson of the said James Stewart, by a natural son, John dhu Mhor, who was with his father on the occasion. The grandson of John dhu Mhor lived to the age of a hundred, and was thus able to communicate the facts to Mr. Stewart’s father. The tradition is thus given :—

“James Stewart of Ardvoirlich, who lived in the early part of the seventeenth century, and who was the unlucky cause of the slaughter of Lord Kilpont, as before mentioned, was appointed to the command of one of several independent companies raised in the Highlands at the commencement of the troubles in the reign of Charles I. : another of these companies was under the command of Lord Kilpont, and a strong intimacy, strengthened by a distant relationship, subsisted between them. When

¹ Wishart’s Commentaries on the Wars of Montrose, quoted by Mr. Mark Napier in his Life of Montrose, vol. ii. p. 446.

Montrose raised the royal standard, Ardvoirlich was one of the first to declare for him, and is said to have been a principal means of bringing over Lord Kilpont to the same cause; and they, accordingly, along with Sir John Drummond, and their respective followers, joined Montrose, as recorded by Wishart, at Buchanty. While they served together, so strong was their intimacy, that they lived and slept in the same tent.

“In the meantime Montrose had been joined by the Irish under the command of Alexander Macdonald; these, on their march to join Montrose, had committed some excesses on lands belonging to Ardvoirlich which lay in the line of their march from the west coast. Of this Ardvoirlich complained to Montrose, who, probably wishing as much as possible to conciliate his new allies, treated it in rather an evasive manner. Ardvoirlich, who was a man of violent passions, having failed to receive such satisfaction as he required, challenged Macdonald to single combat. Before they met, however, Montrose, on the information and by advice, as it is said, of Kilpont, laid them both under arrest. Montrose, seeing the evils of such a feud at such a critical time, effected a sort of reconciliation between them, and forced them to shake hands in his presence, when it is said that Ardvoirlich, who was a very powerful man, took such a hold of Macdonald’s hand as to make the blood start from his fingers. Still, it would appear Ardvoirlich was by no means reconciled.

“A few days after the battle of Tippermuir, when Montrose with his army was encamped at Collace, an entertainment was given by him to his officers in honour of the victory he had obtained, and Kilpont and his comrade Ardvoirlich were of the party. After returning to their quarters, Ardvoirlich, who seemed still to brood over his quarrel with Macdonald, and being heated with drink, began to blame Lord Kilpont for the part he had taken in preventing his obtaining redress, and reflecting against Montrose for not allowing him what he considered proper reparation. Kilpont of course defended the conduct of himself and his relative Montrose, till their argument came to high words, and finally, from the state they were both in, by an easy transition, to blows, when Ardvoirlich, with his dirk, struck Kilpont dead on the spot. He immediately fled, and under the cover of a thick mist, escaped pursuit, leaving his eldest son Henry, who had been mortally wounded at Tippermuir, on his deathbed.

“His followers immediately withdrew from Montrose, and no course remained for

him but to throw himself into the arms of the opposite faction, by whom he was well received. His name is frequently mentioned in Leslie's campaigns, and on more than one occasion he is mentioned as having afforded protection to several of his former friends, through his interest with Leslie, when the King's cause became desperate."¹

Mr. Stewart also denies any design on the part of his ancestor to assassinate Montrose, and explains that his going over to Argyll was the only manner in which he could have secured his safety, seeing Kilpont had many powerful friends and connections able and ready to avenge his death.

Yet another version of the narrative is furnished in the Act of Parliament, 1st March 1645, ratifying the pardon granted in the previous December by the Privy Council to James Stewart for the slaughter of Kilpont. The particulars of the slaughter were probably furnished by James Stewart himself to the Council, and there is ground to suspect a slight colouring on his part, in order to suit his altered circumstances. The Act is as follows:—

Forsameikle as vmquhile Johne Lord Killpont (being employed in publict service in the moneth of August last aganes James Grahame, then Erle of Montrose, the Irish rebelles and their associates), did not only treasounable joyne himselfe, bot also treacherously trayned one great numberes of his Maiesties subiectes, about four hundereth persons or thereby (who come with him for defence of the cuntrie), to joyne also with the saides rebelles, off the which nomber wer James Stewart of Ardvorleiche, Robert Stewart his sone, Duncane M^cRobert Stewart in Ballwhidder, Andro Stewart their, Walter Stewart in Glenfinglas, and Johne Growder in Glassinseid, freends to the said James, who shortlie thereftir, repenting of his error in joyneing with the saides rebelles, and abhorreing their crueltie, resolved with his saides freendes to foirsaike their wicked company, and impairted this resolutione to the said vmquhile Lord Killpont. Bot he, out of his malignant dispositione, opposed the same, and fell in strugling with the said James, who, for his owne releiffe, wes forced to kill him at the kirke of Collace, with tuo Irish rebells who resisted his escape, and so removed happilie with

¹ Postscript to Introduction to Legend of Montrose, by Sir Walter Scott.

his said sone and freendes, and came straight to the Marques of Argile, and offered their service to the cuntrie. Whoise cariage in this particulare being considerit be the Committie of Estates, they, be their Act of the 10th of December last, fund and declaired that the said James Stewart did good service to this kingdome in killing the said Lord Killpont and tua Irish rebells foirsaid, being in actuell rebellione aganes the cuntrie, and approved of what he did theriu ; and in regaird thereof, and of the said James his sone and freendis reteiring from the saides rebelles and joyneing with the cuntrie, did fully and frielie pardoun them for their said joyneing with the rebelles and their associates, or for being onywayes accessorie actouris, airte and pairt, of and to any of the crymes, misdeedes or maleversations done be themselves or be the rebelles and their associates, or any of them, dureing the tyme they were with the saides rebelles, and declaired them frie in their persones, estates and goodes of any thing can be laid to their chaarge therefore, or for killing the said Lord Killponte and tua Irishe rebells foirsaides in tyme comeing ; and did by the said act dischaarge all judges, officeres and Magistrates to burgle and land, and otheres his Maiestie's subiectes quhatsomevir, to trouble or molest the saids James, his sone or freends abovementionat, for the cause foirsaid, in judgement or outwith, or to direct letters aganes them for the same, or vse any judiciable proces aganes them for that effect, or to offer wrong or injurie to them, or anie of them, in their persones or goodes in tyme comeing for the premiss, certifieing them that should doe in the contraire, the same should be esteemed as a wrong done to this kingdome. And the Committie recommendit the ratificacione of the said act to this present sessioun of Parliament as the act moire fully proportes. And nou the Estates of Parliament presentlie conveened in the second sessione of this first trienniall parliament, be vertue of the last act of the last Parliament haldine be his Maiestie and thrie Estates in anno 1641, takeing the same and particulares therin-conteyned to their speciall consideracioun, and acknowledgeing the equitie therof, they doe therefore ratifie and approve the same act, haill articles and clauss therof, and interpones there authoritie therto in all pointes, to have the strenth of ane act of Parliament in favoures of the said James Stewart of Ardvorcich, his said sone and freendes abovewrittin intymecomeing.¹

¹ Acts of the Parliaments of Scotland, vol. vi. part 1. p. 359.

Of the three accounts thus given, the family tradition furnished by Mr. Stewart supplies the causes of the unhappy event in a very plausible form. But it is at variance with the contemporary narratives of Wishart and the Act of Pardon granted to Stewart for his "killing" Lord Kilpont and the two Irishmen. The occurrence was the cause of a feud between the families of Graham and Stewart of Ardvorlich, which lasted beyond the lifetime of James Stewart. The following account, furnished by a member of the Ardvorlich family to the writer of this work, shows the zeal with which this feud was maintained by the Grahams:—

"It was a hard life that the Major led after that he had slain Lord Kilpont, even though he had the Government with him. There was many powerful families that was kin to the Menteiths, specially the Graems, and they were all at feud with him. It is said that even after he was dead, his followers daurna tak his body so far east as Dundurn for fear of the Graems that they might come and commit outrage upon it, so they just shoughed it at the point of Coilmore, whence it was exhumed and placed afterwards in the old chapel. And often during his life he had to be in hiding. I have heard tell that the Ardvorlichs had once to live for safety on the Neishe's Island at St. Fillans, but whether this was in the Major's time or no, I cannot say. Once he was in hiding in a cave in Glentiarken, for the Graems they were after him, and while he was asleep he dreamed a dream, and he dreamt that there were rats gnawing away at the foundations of Ardvorlich's house; he lay down again and dreamt it a second time, and yet a third time, so he was sure there was something the matter, so before the day broke, he crossed the loch, and advancing cautiously towards the house saw that it was being harried by a party of marauders, who were driving the cattle out of the byres to take them away. Ardvorlich's sister that was alone in the house was trying to prevent them, and the chief of the robbers was grappling with her to get ben to the byre. Ardvorlich had his gun with him, the famous speckled gun, and by this time he had been joined by a few of his folks from the neighbourhood. He advanced upon the enemy, and calling on God to direct his aim, fired at the robber that was wrestling with his sister and killed him dead, then rushing in

with his men they soon disposed of the others, six in number. One man escaping and taking flight was overtaken and killed about half a mile from the house.

“The marauders turned out to be MacDonalds of Glencoe, and it was said they were put up to committing this outrage by some of the Graems, but this is not known, and they were never very unwilling to do a deed of that kind on their own account. The man that tried to escape was one of the name of Clerk, who lived at Glendochart, and had guided the MacDonalds to Ardvorlich. The wood in which he was killed, and where he lies buried, is called ‘Coil a Chlerig’ to this day after him. The bodies of the six MacDonalds were dragged down to the loch side with green withs, and there buried, and some time ago, before the new line of road along the haugh was made, and when they were digging the foundations of a boat-house that used to be there, they came upon the skeletons, and a stone has been erected near the spot.”

The early history of the slayer of Kilpont is very remarkable. It is related by Sir Walter Scott, in his “Tales of a Grandfather,” that while his mother was pregnant, there came to the house of Ardvoirlich a band of outlaws called children of the mist, Macgregors, some say, others call them Macdonalds of Ardnamurchan. They demanded food, and the lady caused bread and cheese to be placed on the table, and went into the kitchen to order a better meal to be made ready, such being the unvarying practice of Highland hospitality. When the poor lady returned, she saw upon the table, with its mouth stuffed full of food, the bloody head of her brother, Drummond of Drummondernoch, whom the outlaws had met and murdered in the wood. The unhappy woman shrieked, ran wildly into the forest, where, notwithstanding strict search, she could not be found for many weeks. At length she was secured, but in a state of insanity, which doubtless was partly communicated to the infant of whom she was shortly afterwards delivered. The lad, however, grew up. He was an uncertain and dangerous character, but distinguished for his muscular strength, which was so great that he could, in grasping the hand of another person, force the blood from under the nails.

Although James Stewart had been pardoned by the Scottish Parliament for his slaughter of Lord Kilpont, the subject was revived by William, Lord Kilpont, only son of the murdered Lord, soon after the restoration of King Charles the Second in 1660. It was probably in that very year that he raised the action of treason against James Stewart and his son Robert, for the recommendation of which to the Parliament he presented the following petition to the King :—

To his most sacred Majestie, the Petition of William, Lord Kilpont,

Humbly sheweth,—That your petitioner's father haveing, in obedience to the royall commands of your Majestie's father of glorious memorie, engaged himself in his sacred service, under the command of his Majestie's Commissioner, the Marqueis of Montross, and haveing, in prosecution of that service, hazarded both lyff and fortune, till the rebels then in opposition to his Majestie and his adherents did most barbarously conduce James Stewart of Ardvorlich, then his servant, to assasinate your petitioner's father, which sallarie he gained by perpetrating the said horride murder ; and now, sieing your petitioner his sone hathe intended ane actione of treasone against Robert Stewart, sone to the said James, as one of his father's complices in commission of the said horride cryme, as also forfaultor of the said James his estate, conforme to the lawes of this kingdom.

May it therefore please your sacred Majestie, for incourragment of loyall subjects, and for reparation of your petitioner's otherwyse irreparable losses, to recomend your petitioner and the said persuite to your Majestie's Parliament, that justice may be administrat therein speedily and impartialy.

And your petitioner shall ever pray, etc.,

KINPONTT.

To his most sacred Majestie, the Petition of William, Lord Kinpoint¹

[*Ante* 12th July 1661.]

¹ Original in British Museum. Add. MS. 23,116, f. 100.

This petition not proving effectual, William, Lord Kilpont, after his succession to the earldom of Airth and Menteith, addressed another to his Majesty in almost the same terms,¹ but it does not appear that the prosecution was allowed. The feeling was long kept up by the son of Lord Kilpont. In 1681 he wrote to James, Marquis of Montrose, complaining that Lord Cardross had sold the lands of Strogartnay to Robert Stewart, "the treterous son of that erwell murderer of my faither, who was his lord and master."²

Lady Kilpont afterwards fell into a distracted state, probably from the shock of her husband's violent death. In 1652, her mother, the Dowager Countess of Marischal, now the wife of Patrick, Earl of Panmure, who had obtained the right of tutory by disposition from William, Earl Marischal, the brother and tutor-dative of Lady Kilpont, in respect of her furiosity, granted a lease of the latter's jointure lands, viz., the barony of Drummond, for three years to Patrick Menteith of Arnbeg.³

By his wife John Lord Kilpont had one son and three daughters :—

1. William Graham, Lord Kilpont, who succeeded his grandfather as second Earl of Airth and eighth of Menteith.
2. Lady Mary Graham, who, on 8th October 1662, married Sir John Allardice of Allardice, in the county of Kincardine, and survived his decease in 1676 until 1720. This alliance is represented at present by the lineal descendant, Mrs. Margaret Barclay Allardice.
3. Lady Elizabeth Graham, who, on 19th December 1663, married Sir William Graham of Gartmore, and had issue; but the line is now extinct.
4. Lady Catharine Graham, who married a person in humble life, in London, named Sellick, and had issue.

¹ Original at Gartmore.

² Vol. ii. of this work, p. 192.

³ Original in Charter-chest of Duke of Montrose.

VIII.—WILLIAM GRAHAM, EIGHTH AND LAST EARL OF MENTEITH
AND SECOND AND LAST EARL OF AIRTH.

1. ANNE HEWES, HIS FIRST COUNTESS.
2. KATHERINE BRUCE OF BLAIRHALL, HIS SECOND COUNTESS.

1661—1694.

THIS Earl held the earldom of Menteith for upwards of thirty years. But it cannot be said that he enjoyed his honours during that period. Inheriting from his grandfather an embarrassed succession, the Earl long struggled with pecuniary burdens, from which he was never extricated. Soon after his first marriage he was involved in domestic discomfort with his Countess, who was ultimately divorced. Neither by her nor his second Countess had he any children to inherit his honours and earldom, and the question of his succession was a source of anxiety and annoyance to him in his old age. The rival claims of his chief and kinsman, Montrose and Claverhouse, to his succession gave rise to keen contention, and the correspondence of Claverhouse forms an interesting section of the letters which are printed in the second volume.

William, the eighth Earl, was born about 1634, and was the only son of John, Lord Kilpont, and Lady Mary Keith. An obligation was made in his favour by William, the seventh Earl, his grandfather, on 12th August 1636, in which the latter binds himself to redeem the lands and barony of Airth, and after procuring his own infeftment therein, to resign the same for new infeftment of himself, his son Lord Kilpont, and

William Graham his grandson, and the heirs of his body, in fee.¹ Shortly before the death of Lord Kilpont in 1644, King Charles the First, on 8th January the same year, granted a charter of confirmation of the lands of Kilbride and others to John, Lord Graham of Kilpont, and Lady Mary Keith his spouse, and William Graham their eldest lawful son, and the heirs-male of his body.² William Graham, after his father's death, assumed the title of Lord Kilpont, and under this title granted a lease, dated at Gartmore on 25th September 1657, of the lands of Downance and Dallenane, of which he was heritor.³ In the same year he received from General Monck a pass to travel in various parts of Scotland. In the pass there is a curious clause about a horse:—

Permitt the bearer heerof, the Lord Kinpunt, with his servants, horses (one exceeding the value in the proclamation), and necessaries, to passe about his occasions on this side the Fryth, or in Sterlingshire, Perthshire, or other parts of Scotland, and to repasse without molestation, hee doing nothing prejudiciall to his Highnesse and the Commonwealth, and engaging vnder his hand to Colonel Reade, Governour of Sterling, to pay treble the value in case the said horse shall bee taken from him by any enemy. Given vnder my hand and seale, att Edinburgh, the 9th day of March 1657.

GEORGE MONCK.

To all officers and souldiers and others whome these may concerne.⁴

On the death of his grandfather in 1661, William, Lord Kilpont, became Earl of Airth and Menteith. He does not appear to have served himself heir to the lands, or to have been infest therein, as they were almost hopelessly burdened. It was not until 4th February 1670 that he obtained a charter of the lands and earldom of Menteith, with the baronies of Airth and

¹ Original Obligiatiou at Gartmore.

³ Original Lease in Charter-chest of Duke of Montrose.

² Airth Peerage Minutes of Evidence, 1839, p. 17.

⁴ Original Pass at Gartmore.

Drummond, from King Charles the Second, having been compelled by his creditors to make up his title to the lands. They held charters of apprising, but resigned the lands in the hands of the Commissioners of Exchequer in favour of and for new infeftment to William, Earl of Airth and Menteith,¹ and they afterwards enforced their claims. He had no sooner come into possession, on his grandfather's death, than he appears to have resolved to betake himself from the country, and on 4th June 1662 he executed a deed of factory, by which, as he was about to travel in France and other parts for his better education and other affairs, he appointed his grandmother, the Countess Dowager Marischal and Panmure, his factrix, for the management of his affairs. Among the creditors with whom she had to settle were John Graham of Duchray, William Graham of Boquhaple, and John Graham of Catter.² The Earl thereafter went to London, where he was from September 1662 to April 1663. During that time he was in bad health. On the 30th September 1662 he wrote for money to William Graham of Gartmore, who was keeping the Earl informed of the state of his affairs at home, and told him that he was due to physicians £12 sterling.³ On 14th April 1663 he was still worse, and wrote to Gartmore that he was "lying bedfast, very seek, and weak of a violent and strong ague," which had seized him on the 5th of that month.⁴ The Earl's object in visiting London appears to have been to try to obtain from the King the money which had been due to his grandfather, Earl William. His Majesty promised a considerable sum out of the fines of his countrymen, which had been imposed by the Parliament in September 1661.

This Earl had made a further claim upon King Charles the Second for the discovery of a sum of money concealed in the hands of some persons

¹ Charter printed in Airth Peerage Minutes of Evidence, 1839, p. 19.

² Original at Gartmore.

³ Vol. ii. of this work, p. 165.

⁴ *Ibid.* p. 167.

in England. The petition presented by him was referred to the Lord Treasurer and the Chancellor of the Exchequer to report upon. On obtaining their report, Airth again approached the King with this second petition :—

To the Kinges Most Excellent Majesty, the humble Peticion of William,
Earle of Airth.

Sheweth,—That whereas your Majesty was pleased, vpon his former Peticion, setting forth that there was due vnto your petitioners grandfather, William, Earle of Monteith, the sume of fifty thousand pounds and vppewards, by virtue of seuerall great and privy seales and other warrants from your Majesty's royall father of blessed memory, to vouchsafe your petitioner a reference to the Right Honourable the Lord Treasurer, to consider of his desires therein (being for the grant of nine thousand and eight hundred pounds concealed in the hands of seuerall persons in England), and to certifie what hee conceived fitt for your Majesty to doe therein, wherupon the Right Honorable Thomas, Earle of Southampton, Lord Treasurer, and Anthony, Lord Ashley, chancellour of your Majesty's Exchequer, have signed the annexed report, wherin they offer to your Majesty that your Majesty will please to order the petitioner to acquaint Mr. Attorney [with] the particular persons, and if they prove such as Mr. Attorney hath no meanes to recover the same butt by the petitioner, that then the petitioner may have the grant of a moyity, and the other moyity to bee paid into your owne Treasury : And wheras your petitioner is confident that your Majesty's Attorney cannott make out the said discovery butt by the assistance of those who made the same knowne to your petitioner, your Majestys petitioner most humbly prayes that your Majesty wil bee pleased to referre the petitioners said discovery to Mr. Attorney Generall to consider therof, and to prepare a grant from your Majesty to the petitioner, that hee may have the moyity of the said discovery according to your Majestys gracious intentions towards him.

And your petitioner shall ever pray.

At the Court at Whitehall, the 26 day of February 1661.

His Majestie is pleased to referre this petition, together with the annexed report vnder the hands of the Lord High Treasurer and the Chancellour of the Exchequer, to

Mr. Attorney General, to consider thereof and certifie what hee finds fit to be done herein for his Majesties service.

EDW. NICHOLAS.

May it please your Majesty,—The Earle of Airth hauing deliuered seuerall names of persons accountable to his Majesty and discovered by him, I doe finde they are all vnder prosecution already except six persons, viz. :—Stephen Rewell, Thomas Gale, John Disney, William Harney, John Jackson, and John Walledgh, and whither these six be prosecuted in some other way then by information doth not yet appeare to me, but may be knowne by the auditours when they returne to London.

All which is humbly submitted, etc.

G. PALMER.

The 24th of July 1662.

It does not appear that the Earl received any consideration for this piece of service, although he employed the Queen-mother in his interest. He returned to Scotland in time for the meeting of Parliament on 18th June 1663, and later in the year he gave his consent, in a letter from Edinburgh, to the marriage of his sister, Lady Elizabeth Graham, to William Graham of Gartmore,¹ who was shortly afterwards created a knight baronet. In the Parliament of 1663, the Earl presented a petition praying for compensation for the great destruction and havoc committed in Aberfoyle in 1654 by General Monck, now Duke of Albemarle, and on the 8th October the Estates of Parliament recommended to the Commissioner to represent to his Majesty the supplicant's condition and losses, that such course might be taken for his reparation as his Majesty should think fit.²

Either in this or the following year the Earl presented the following petition to King Charles for money :—

¹ Vol. ii. of this work, p. 168.

² Acts of the Parliaments of Scotland, vol. vii. Appendix, p. 100.

To the Kings most excellent Majestie, the humble Petition of William,
Earle of Airth and Monteith,

Sheweth,—That the loyaltie and sufferings of your petitioners grandfather and father, as also of your petitioner, are not altogether vnknowne to your Majestie, to the ruine of your petitioner's estate, by debts contracted to promote your Majesties service.

That your petitioner hath these many yeares attended your sacred Majestie for redresse and releife of his sinking estate, without any effect save gracious promisses of your princly care of him, especially out of your Majesties fines in Scotland.

That these fines being now almost received, the last moietie being to be paid at Whitsontide last past, your petitioner humbly hopes your Majesties gracious promisses will not be ineffectuall to him, considering that his estate and future welbeing consists in the performance thereof.

Also, for that your petitioner supplicates not for rewards of services done either by himself, father, or grandfather, but for a reall debt of seaven thousand pounds acknowledged vnder your royall hand at Portend, the 10th of Februarie 1651, and assured vpon the word of a prince to be faithfully paid, as by a true extract thereof may appear, the said debt being but a small part of greater sounes really due to your petitioner.

Your petitioner therefore most humbly prayes your Majestie would put ane end to his great miseries by effectuall ordering him the said sume out of the first and readiest of the said fines.

And your Majesties petitioner shall pray, etc.

This petition, however, seems to have found no greater favour than the former, and the Earl again betook himself to London, in the hope that his presence might obtain what his prayers could not. On 8th April 1665, he wrote to the Countess of Wemyss, begging her to write two lines to the Duchess of Monmouth in his favour, that so her grace might persuade the King to give him a considerable part of the fines of Scotland. Out of these, he added, his Majesty owed him nearly one hundred thousand pounds

sterling, in terms of grants under the great and privy seals, of which the King had ratified to him, under the faith, promise, and word of a prince, twenty-three thousand pounds sterling, as within the last few days he had himself shown to his Majesty.¹

But all efforts to get anything from the public Exchequer proved unavailing, and the Earl in consequence was left to contend with pressing pecuniary difficulties. In November 1677 he wrote to David, second Earl of Wemyss, one of his creditors, that he was "uarpt in a laberinth of almost a never ending trwble." And after referring to the badness of the times, insomuch that though all the cattle and horses in Menteith were driven to the market cross, they would not fetch five hundred merks Scots, he adds, "Both myself, land, woods, ky, and horses, I lay all before your Lordship, doe as it seemeth good in your eyes; for on everie syde I am perplext by to pressing credditors, and in conscenc this terme of Martimis they uil get no monyes, tho' they should tak my life."²

Yet in the midst of all this Earl William found opportunity about this time to get married to his first wife, Anna Hewes, probably an English lady. But this proved an unhappy alliance for him, and he ultimately obtained a decree of divorce against her on 19th July 1684.³ After the decree against her, and the marriage of the Earl to his second wife, Countess Anna raised an action against the Earl, which was also decided against her, and Parliament in June 1685 refused to grant a new trial.⁴ On 28th April 1677, Countess Anna granted a discharge to the Earl, in which she says:—"Forsameikle as for our health we resolve, God willing, to goe to the baths and weells in England, and that it hath pleased William, Earl of Menteith, our

¹ Original Letter at Wemyss Castle.

² Vol. ii. of this work, p. 169.

³ Process of Divorce at Gartmore.

⁴ Acts of the Parliaments of Scotland, vol. viii. p. 511.

husband, to pay and deliver to us a certain sum of money for a year's maintenance correspondant to his Lordship's fortune and gift," etc.¹

The Earl's second wife was Katherine Bruce, daughter of Thomas Bruce of Blairhall. He was reported to have married her in 1684, before the final decision in the divorce of his first wife.² In the embarrassed state of the Earl's affairs he appears to have been obliged to study domestic economy, and a curious contract between him and Countess Katherine, which defines the limits of her Ladyship's stores, and within which her expenses must be controlled, is still extant. It is dated the 1st January 1686, a suitable time for the introduction of the new regulation.

Ane Accompt of thos things that the Earle of Menteith allowes for mentinence of his house from _____ to _____, at my Ladyes ordoring and disposall.

Imprimis, My Lord allowes of good oat meall for mainitence of the familie the space abovewreatten, four score bolles, quich is to be layed in the old girnell in the Isle, and my Ladie to keep the keye of it.

Item, His Lordship allowes thriescore bolles of bear to be made in malt and vther-ways use of for the house, quich malt is to be made in my Lord's oune kill at the stables.

Item, Four bolles of groats.

Item, The haill wedders of Menteith and Drummond, as they are payed yeirlie, conforme to the tacks, being thriescore wedders.

Item, Fourtie stone of cheese, whair of ten stone Glaschyle cheese.

Item, Ten stone of good salt butter.

Item, Tua thowsand herring.

Item, Four stots, ten quarters old.

Item, Eight fatt kyne and oxen for mairts.

Item, All the goodwills of Menteith and Drummond.

Item, All the reek henns, poultrie, and capones in the foirsaid bounds.

¹ Original Discharge at Gartmore.

² Vol. ii. of this work, p. 205.

- Item, All the fishes that can be had in the loches and waters there.
- Item, All the veneson and wyld foule that can be gotten.
- Item, Allowes four hundereth merkes Scots for whyte bread, floure, sheugar, spycerie, and aquavite, brandi, reasines, plume demis, and soap.
- Item, Other thrie hundereth merkes for my Ladies cloathes and purse.
- Item, Thrie stone of candle over and above the tallow of the foirsaidis stots, oxen, and kyne, which is compted to seaveu stone, being in all tenn stone.
- Item, Ane hunder dussone of eigs, or els six pounds Scotcs theirfor.
- Item, My Lord is to cast, winn, and lead the haille peates and turfs vpon his oune coast, my Lady alwayes geivinge the workmen meat and drink as formerlie.
- Item, My Lord is to furnish the haille salt neidfull during the said space.
- Item, My Lord is to paye all the meu and woemen's fials.
- Item, My Lord allowes the milk of six new cal[fe]d kyne for the vse of the house, quhairof fyve to be keiped in Portend, and one good cow in the Easter Isle, both summer and winter.
- Item, The wool of the thrie score wedders.
- Item, Thrie stone good wool besyde.
- Item, Sex stone of lint.
- Item, Of sowne sids, weill mixt with meall, sex bolles.
- Item, Of corn for the foulles, four bolles.

Att the Ile of Monteith, the first of Janvery 1^mvi^e four scor sex yeares, the quhilk day the Earle of Monteith aloues to my Ladey the heall particwllaris abou named, for the vse of the house for the year abou wreittin, to be spent in the howse during the forsaid tyme alenerlye, the heall respectyve particwlares abou wreittin are to com in to my Ladey at the ordyuar and accvstmed tyme of zeir, and the sewne hunder merks of money to be pyed be my Lord to hir Ladyship as followes, viz. : Itm, my Lord hes pyed presentlye to my Ladey in hand, on the det of thir presentes, three hunder mark Scotts, and my Lord oblidges himself by these presentes to pay to my Ladey the four hunder merks that is zet reastuing to hir betwixt the det of thir presents and the last day of Agust nixt in this present year 1^mvi^e four scor sex, and

that for the forsaid yeare. In witnes wheroff, both peartyes subscriue thir presents, day, mounth, place, and year of God aforsaid, befor these witnesses, Mr. Thomas Michall, let minister of Killmaronack, and Georg Muschet, wreiter heirof; as also my Lord is to get from my Ladey a receipt subscruit vnder hir hand, of evry particullar afornamed, as shee receives the samyn.

MENTEITH.

KATHRIN BRUCE.

T. MITCHELL, witness.¹

There is a tradition that the Countess, unable to endure the croaking of the frogs under the window of her chamber in her island home, removed to Edinburgh. She certainly did leave her husband's residence, as the Earl, on 17th March 1687, wrote to Mr. John Smart, a writer in Edinburgh, that he had written to his wife, beseeching her to return home, and directing him to deliver her a contract which he had drawn up, and also a bond granting her six hundred merks for apparel and other necessaries. The lawyer was instructed to manage the matter discreetly. If the contract without the bond sufficed to induce her to return, the latter was not to be given to her.² Whether the bond was saved does not appear, but the Countess signed the contract on the following day, and eventually returned to the Earl in Menteith.

The contract is dated 16th and 18th March 1687, the former being the date of the Earl's consent and the latter that of the Countess's. It is made between William, Earl of Airth and Menteith, and Lady Katherine Bruce, now his spouse, and narrates that there had been no marriage-contract between them, and as yet no provision made, either for the liferent use of Lady Catherine, or the children to be born of their marriage. The Earl now bound himself and his heirs to pay to her, at the first term of Whitsunday or Martinmas after his decease, the sum of ten thousand merks, in

¹ Original Contract at Gartmore.

² Vol. ii. of this work, p. 206.

case there be children also surviving at the time; and in case there be no surviving children, the sum of twenty thousand merks: the estates were to be provided to the eldest son of their marriage, except twenty thousand merks reserved for the daughters, if any, with this express clause that the subject of payment of the foresaid provisions is mainly to arise by the "freugall and verteows leiving" of the Earl and Countess. On the other hand, Lady Katherine became bound to concur in these arrangements, and to assist in carrying them out; also to "leive vertewouslie, frowgallie, dewtifullie, and respectfullie with and towards him during ther lyftymys together, and that she shall receid in the Isle of Monteith or any wher else wher the said noble Earle shall appoynt and receid with her;—and it is heirby declared that the said noble Earle shall have full freedome and libertie to goe about his affairs to Edinburgh, or any place elswhair theranent, and that the said noble Countess during his absence shall receid and stay at home at ther ordinaire place of residence."¹ The Earl appears to have lived in greater harmony with his second Countess, although the arrangements for his household seem to have caused him some trouble.

The appearances of the last Earl of Menteith in public were few and unimportant. He made it his endeavour to be present at the meetings of Parliament and Conventions held during his time. In prospect of the meeting of Parliament in 1681, he wrote to James, third Marquis of Montrose, that, if his health improved, he would certainly attend, and begging him to get some Earl's robes for him, as "our oune was destroy'd in the English tyme." On the same day he wrote another letter that he was fully resolved to come, otherwise his interests might suffer, and he implores

¹ Original Contract at Gartmore. This duplicate is the one signed by the Countess as "Katherin Menteith." One of the wit-

nesses is the third lawful son to Sir Alexander Bruce of Broomhall, Thomas Bruce, afterwards seventh Earl of Kincardine.

the Marquis "to prowid and get the lene from sume Earle thair robs, fite mantle and wellwat coats, and all things that belongs to Parliment robs. I will heave four footmen in liwra. Ther is no doubt but ther is sewerall Earles that will not ryd the Parliment. Therfor be humblye pleased to get the lene of to me of sume Earle's robes onley for a day to ryde in the Parliment, and they shall be ceарfullie kept be me that none of them be spoylt, for all the robs that belonged to my grandfather was destroyed in the Eenglish tyme. The last tyme when I reid the Parliment, I ceарied the secepter, and I head the lene of the deces'd Earle of Lowdian's robes, but it may be that this Earle will reid himself. I hop your Lordship will get the lene of robs to me from sume Earle or other, as also the lene of a peacable horse, because I am werie wnable in both my foot and both my handes as yet."¹

In a previous year the Earl had been summoned to a meeting of the militia at Perth, but was obliged to decline it for want of the necessary horse. On 29th May 1678 he wrote to Sir John Stirling:—

The Isle of Menteith, May 29th, 1678.

RIGHT WORSHIPFULL,—I did see ane order that was isheued out by you to have the militia troupe be att Perth the threttie of this instant. I am leader for one horse within the parish of Aberfoill, and although I gott never my localitie for the horse, no nor much my oun land, butt was given to others, yet notwithstanding for all that, I still sett my horse to the randivouze day ; butt, indeed, att present I am altogether out of horses, soe that I have not one till I buy them ; and if I had knouen of this your order four or five dayes sooner, I would have striven to provided a horse and man for the randivouze sufficiently mounted every way. I most humblie intreat you, most noble sir, that ye wad be pleased not to imput to me want of willingnesse and readinesse for his Majesties service, and I am verie hopefull of your favour to me that ye will not send out no partie upon me for defeciencie att this tyme, quhieh I assure you

¹ Vol. ii. of this work, p. 195.

I shall not from hencefurth be any more deficient, butt shall keep all the randivous dayes that ye will be pleased to command all that is in the pouer of much honoured,

Your much obleidged humble servant,

MENTEITH.¹

The last Earl was as constant a supporter of the Stewarts as his father and grandfather had been. He frequently begged his chief, James, Marquis of Montrose, to use his influence to obtain him some command in the army, "for" says he, "ther is nothing on earth that I lov so weell as to be in a just war for my King and Prince."² The Earl's frequent ill health was a great hindrance to the fulfilment of his heroic aspirations, but he seems to have been gratified with a commission about June 1679, and the vigour with which he set about discharging it may be gathered from the following commission to one of his subordinates :—

These are giving pover and comissione to Duncan Grahame, one of our officers wnder our command, to goe with ane party of our men to search and apprehend any of the rebells that hes fled of the phanaticks, and bring them prisoners heir to us, and to searche both houses and feilds for the forsaid rebells and bring them prisoners heir to ws, which we doe give pover be vertew of ane comissione frome the Lords of his Maiesties Privie Counsell. Given wnder our hand att the Yle, the 24 Junij j^mvj^c and seventie nyne yeirs.

MENTEITH.

The efforts of the Earl, it will thus be seen, were directed to the suppression of the Covenanters in and around Menteith, and with such zeal did he carry on the work that Claverhouse himself complimented him on his success. "I rejoyce to hear," he says, "you have nou taken my trade of my hand, that you ar becom the terror of the godly."³ On 12th May 1680 the Earl wrote in a letter to James, third Marquis of Montrose :—

¹ The Stirlings of Keir, by William Fraser, p. 514.

² Vol. ii. of this work, pp. 174, 178.

³ *Ibid.* p. 200.

Sinc my last I hav taken severall prissoners of thes villains that uas in the late rebellion, the verie ring-leaders, to uit, on (Arthur Dugall in Kippon) uho uas the verie first man that did harbor and reseate the horrid murderis of the lat Archbishop of St. Androus. This fellow hes escaped from monie parties that cam of purpose to apprehend [him]. He is ordred by the Consell to [be] brought prissoner to Edinburgh. Ther is severall other prissoners likweys. I nearrouly missed the murderis themselves at that sam tym, Hacstoun and Balfour, uho nas at that conventickle, uho had newly dismist themselves and had gon to sevrall housses throu that contrey befor I cam, and beeing verie sorie that I had not the good fortun to meit uith that feild conventickle was on the secund day of Maii instant, uich I uent uith a small partie of men to attack them in oppen feilds, sum 8 myles from my land, bot they dismist themselves a litle befor I cam. They did not all escap, for I took this Arthur Dugall, who nou is prissoner in Stirling and to be sent to Edinburgh by the Consells orders. My Lord, ther is a letter of thanks ureatten to me by the Consell, desyring me to continou to suppresse the feild conventickles. I uish, uith all my soull, that I had on souir bout of them tho I had loss on my syde, that I might giv testimonie of my affection of my servic for his Majesteis interest. I doubt not to put them in a verie great fear, all betuixt Dumbartan and Stirling, and sall put them from thes disorderly mittings, for on all occassions I'll hazard my life for the royall interest.¹

The Earl's diligence was reported to King Charles, and elicited a promise from him of remembrance on a fit occasion. For his further encouragement the following Act of the Privy Council of Scotland was drawn up and an extract sent to him :—

Edinburgh, the fyft day of October 1680.

The which day a letter, direct vnder the Kings royall hand to his Privy Councill, dated the fifteenth day of September last, containing severall particulars, was read, and in the conclusion thereof beares as followes :—As wee are very weell pleased with what yow doe vnanimously recommend to the Duke of Lauderdale, to represent unto ws in

¹ Original Letter in Charter-chest of Duke of Montrose.

reference to the Earle of Menteith his great care and diligence in prosecuting rebels and disorderly persons, and his successes therein, so wee will, vpon a fitt occasion, be ready to give him ane evidence of our sense of that his good service done to ws and his country. Extracted furth of the Records of Privy Council by AL. GIBSONE.¹

On the 2d of the following month, the Earl received another letter from the Council, acknowledging his services, giving directions regarding the disposal of his prisoners, and granting an order to imprison any person he might capture, in Stirling and other burghs.²

After the Revolution a Parliament was held in Edinburgh in June, July, and August 1689, at which all the members were required by proclamation to attend, under penalty of fines and imprisonment. William, Earl of Menteith, was excused for absence on account of sickness, having written that he was willing to attend if he had been in health. A certificate by the minister of the parish of Port respecting the Earl's indisposition was given in and read to the Parliament.³ In April 1693, the oath and assurance were taken and signed by the Earl of Menteith in Parliament, after repeating the words tendered by the Lord Clerk Register.⁴

In the years 1679 and 1680, the Earl appears to have been concerned about the succession to his earldom in the event of his death. He had no children, and his nearest male relative was his uncle, Sir James Graham, now an old man, and resident in Ireland. Sir James had no sons, but he had two daughters. Earl William bethought himself of arranging a matrimonial alliance between Helen, the younger of these, and one of the Graham family, that by this means the estates and honours might be retained in the family. Perhaps the first thoughts of such a scheme were suggested to Menteith by his celebrated kinsman, John Graham of Claverhouse,

¹ Original Extract at Gartmore.

³ Acts of the Parliaments of Scotland, vol. ix. p. 101.

² Vol. ii. of this work, p. 190.

⁴ *Ibid.* Appendix, p. 70.

afterwards Viscount of Dundee, who counselled him to settle his succession in time, and offered himself in the same relation to the Earl as Augustus held to Julius Cæsar.¹ The Earl in some measure approved of the proposal, for he thus wrote to Sir James :—

MUCH HONORRD UNKLE,—I uold not truble you oft uith letters unless it uar sumthing uorthie of yor notic uich I am nou to import, concerning a noble young gentelman, a cusing of myn, the Laird of Cleverus, Graham, uho is a person exceeding ueell accomplished as any I knou uith natur gifts, for all thats noble and verteus may be seen in him, and as uee say, he is ueell to live, for he hes a free esteat upuards of six hundir pund starling yearly of good payable rent, neir by Dundie ; besydes, he is captain of the standding tropes of horse in this kingdome uich is verie considerable. Quherfor, deirest unkle, I, [in] his name, does offerr himself in mariag uith that young ladie yor daughter, uho, if I thought it not convenient that it uold be a fit mach for her and all our creddits to alleay with such a gentelman as he, uho, being a Graham, uich I for my part look upou it as a singuler happines to our familie to hav a person so ueell qualified, and of the name to, and he it is that I truly [esteem] and honour, and I hav mor then an ordinar respect for him uhom I think truly uorthie of her affection, as I doubt not uhen himself cumes ovr to Iyrland he uill prove to be much mor then I can expresse uhat he is indeed, bot that he uold not presume till first I uold let him knou by a lyne from you and my ladie if he uold be ueellcum, uich for my sak at least ye uill admit of a visit from himself, uich uill be soon as you ar pleased to return a favorable ansyre to me in his behalf ; uich my Lord Marquis of Montross hes ureatten a letter to you in his behaff. I'll conclud uith this, that after ye hav seen the gentellman himself, and hav full knoladg of him and of his esteat, uich truly I hav ureatten the reall truth of uhat [I] certainly knou, both as to himself and his fortune, I uold not desyre so earnestly the mach betuixt yor daughter and the Laird of Clevrus. For if ye give and bestou that young ladie on any other person bot he, [I] sall never consent to the mariag unles it be Cleverus, uhom I say again is the only person of all I knou fitest and most proper to marie yor daughter.²

¹ Vol. ii. of this work, p. 170.

² Original Letter in Charter-chest of Duke of Montrose.

Claverhouse appears to have been discouraged at the response from Sir James being delayed, besides which he was twitted by his kinsman Montrose, who told him an Irish gentleman had carried away the lady.¹ When the answer arrived, Sir James denied his daughter to Claverhouse.² The Earl then made an arrangement with the Marquis of Montrose, by which the earldom of Menteith was to be provided to him in the event of the Earl having no male succession. One of the conditions was that the Marquis should marry Helen Graham, and in consideration of the entail in his favour, the Marquis provided the Earl in a life annuity of £150. The Earl thereupon wrote again to Sir James Graham, pressing the suit of the Marquis,³ which was favourably received by Sir James, Lady Graham, and their daughter. They were now in London on some business connected with the estate of Lady Graham, and while there were frequently visited by the Marquis of Montrose in the month of April 1680. Considerable correspondence took place between the Earl and his uncle's family about the arrangements for the marriage, but delay having occurred, the marriage arrangement was broken off, much to the annoyance of the Earl and his relatives. By this time the signature for the charter whereby the lands and honours of the earldom of Menteith were to be bestowed on the Marquis of Montrose had been presented to King Charles, who adhibited his sign-manual to the signature. But on a representation to him on the part of Sir James Graham, his Majesty caused to be cancelled those portions of the document which contained the pegrages and the lands of Airth, and restricted it to the lands of the earldom of Menteith only. The signature thus altered is still preserved, showing the deletions which were made upon it.⁴ Sir James

¹ Vol. ii. of this work, p. 172.

² *Ibid.* p. 176.

³ *Ibid.* p. 176.

⁴ Original Signature, as passed by the King, printed in Airth Peerage Minutes of Evidence, 1839, p. 20.

Graham, writing from London on 25th May 1680 to the Earl, after referring to the withdrawal of the Marquis, says :—

My wyff did aqeut yow in her last that I had spoken with his Majestie concerneing the signator of your estate and honour conveyed to my Lord Montrose. His Majestie wes pleased to tell me that he had seen it, and it wes presented to him to be signed, but he flatlie refused it, and told me that the honour wes in it conveyed to my Lord Montrose, which wes not in your power to doe, to take it from me your vndoubted heir, if you haue not heirs male of your owne bodie lawfully begotten, and therfor his Majestie commanded and advysed me to deale with yow for the estate that it might goe along with the honour, and this he bid me two or three tymes.

Sir James then requests such an answer from his nephew as may be communicated to the King.¹

These letters and the proceedings of the Earl plainly show the understanding in the family at the time that the peerages were limited to heirs-male. Sir James Graham, the uncle and heir-male of the last Earl, was considered to be his heir-presumptive, and not the sisters of the Earl and their children.

When the lands and honours were divided by the provision of the former to the Marquis of Montrose, leaving the honours on the separate limitations, it caused the Earl great regret, and at the ratification of the charter which followed upon the signature, in the Parliament of 1681 he protested—

That the foresaid ratification in favors of the Marques of Montrose of the earledome of Monteith should nowayes prejudge the said Earle his right, seing by the bond of tailzie betuixt the said Marques of Montrose and him it is expresly provided that the title of honour, dignitie, and estate thereof should never be divided nor separated, neither that the families of Montrose and Monteith should be joined or confounded in another, with severall other conditions on the said Marques his pairt, mentioned in the said bond of tailzie, never as yet performed by him, and therefore protested that the

¹ Original Letter in Charter-chest of Duke of Montrose.

said Earle being in plain Parliament when the said ratification past in the said Marques his favors, might nowayes prejudge the said Earle of Monteith nor infer any homologation or acquiescing on the said Earle his pairt to the said Marques his ratification of the said earledome and estate of Monteith.¹

After the signature had been passed, Claverhouse endeavoured to persuade the Earl of Monteith to reconsider whether he would not yet recall the disposition to the Marquis of Montrose, and make the former his heir.² His letters also lead one to suppose that Sir James Graham was not averse to the arrangement if the Earl would give his consent. But the Earl did not reply to his uncle's letter above quoted, sent after his interview with King Charles, until 1683, and by that time Miss Helen Graham had become the wife of Captain Rawdon, son of Sir George Rawdon, and nephew and heir-apparent to the Earl of Conway. In that year the Earl wrote to his uncle that he was willing to make a new entail of his dignity and estate in favour of himself and his heirs; whom failing, to Sir James Graham and his heirs-male; whom failing, to Mistress Helen Graham and her heirs-male; whom failing, to the Earl's other heirs-male whatsoever, or his heirs and assignees, provided the burdens on the estate were taken up and satisfied, and the liferent preserved entire to himself. He proposed to Sir James to undertake the extrication of the earldom, and declared that the amount required would not exceed £4000 sterling, with another thousand pounds to be paid to Montrose for his renunciation; in all, £5000. Sir James, however, declined the proposal, and writing from Drogheda on 25th March 1683, he says:—

My Lord, ther wes a tyme about two or three years agoe when my Lord Montrose gote that fatall grant of yours signed, that not only my wyff had her estate to dispose

¹ Acts of the Parliaments of Scotland, vol. viii. p. 257.

² Vol. ii. of this work, pp. 183-204.

one, but that I was at London aboue two years. I had then the King's ear, and his Majestie did advyse me to wreat to yow for your estate that it might goe along with the honour which wes not in his Majesties power to dispose of it nor yours from the right lyne, and this much I did aquent your Lordship with severall tymes, and so did my wyff, and beged your answer to the particulars, and the copy of that dispositione which your Lordship granted to my Lord Montrose, that we might haue had the best advyse and assistance ther for the avoyding of it, he haueing failed in all those promises he vndertooke to your Lordship. But though we got my Lord Seaforth to send an expresse from Edinburgh to the Yle for your answer (feareing the former letter might miscary), yett your Lordship wold not giue vs any answer, nether to any of those we sent by Claverhouse.

After referring to the difficulty and impossibility of the required sum being raised by him in the time specified, and also to the debt of 40,000 merks on Menteith due by the Earl to Lord Cardross, Sir James proceeds:—

But, my Lord, let the tearmes be neuer so hard and dubious, the tyme is so short for the perfycting of them, the deficulty so great for me to raise those moneyes, yett your lordship hath positiuly concluded that my not presently effecting what yow haue propounded, yow will take it as a rejecting of them, and so proceid to treat with otheris that I am affraid hath bein done already to your lordship, and that the hand of Claverhouse hath bein in all those contryvances, whose ambitious thoughts to make himselff the head of our ancient family brought all the trouble of my Lord Montroses bussines vpon yow ; for he will not deny that ther wes an agreement made, nether will my Lord Montrose, that befor ther wes any proposition made to your lordship for a match for either of them, that my Lord Montrose wes to use his interest with your lordship for such a seatlement of your honours and estate vpon Clauerhouse, and Clauerhouse wes obleidged again to make the estate ouer privatly to my Lord Montrose, so that if we had made vp such a match, both your lordship and wee had bein fairly cheated. This, my Lord, is a very truth, and nether of them will deny it, and therfor I beg that yow will take noe such advysers in your provisions for your family. Bnt if your lordship hath any desyre that your famyly should succeid yow in your honour (as

I will not question but you haue) I hope you may find some easier way to satisfie my Lord Montrose, by turneing him ouer Drumond or some other part of your estate, and by obtaining a longer tyme from my Lord Cardrosse for the redeemeing of Monteith, or at the least gett some other bodie to lay downe the money to my Lord Cardrosse, and take the securitie he hath and allow you a longer tyme for the redemption ; for if my sone-in-law wer come to the estate settled one him, I doubt not but he wold in a convenient tyme find a way for takeing of that debt of my Lord Cardrosses for the good of the family, but at present nether he nor I can doe what we wold.

Sir James concludes his letter by requesting the Earl to come to Ireland and consult with him for the welfare of the earldom.¹ This letter was accompanied by one from Sir James's daughter Mrs. Helen Rawdon, in which she thanks the Earl for his honourable desires regarding her, and regrets that the proposals about the earldom had come too late, as if they had known them before her mother's estate had been settled, on the occasion of her marriage, some provision might have been made for redeeming the earldom. She adds her desire that the Earl would visit Ireland for consultation on his affairs, and says, I am so well a wisher to the family, that sooner than the ashes of my ancestors should rudely be trampled on by strangers, I would willingly purchase those two islands with much more than any other body would give.²

The Earl seems to have been so far moved by the representations of his uncle Sir James, as to contemplate a visit to Court in 1684, to obtain the opinion of King Charles the Second on the subject. But the Marquis had just died, leaving his son and successor, the fourth Marquis, in his minority, and the Earl was dissuaded from his purpose by a letter from John, Master of Stair.³ The death of King Charles the Second in the following year, and the unsettled nature of the brief reign of King James the Seventh, prevented further alteration of the disposition.

¹ Original in Charter-chest of Duke of Montrose.

² *Ibid.*

³ Vol. ii. of this work, p. 205.

Katherine Bruce, the Earl's second Countess, died in the beginning of 1692. Her death is instructed by two documents, dated 12th March of that year, one of which, granted by Alexander Bruce, son to the Laird of Blairhall, acknowledges that the deceased Lady Katherine Bruce, Countess of Menteith, his sister, had before her decease, with consent of the Earl her husband, gifted to him her whole ready gold and silver lying beside her, her gold watch, rings, and bodily ornaments. The other is a similar receipt granted by John Aytoun of Kinaldie, for a legacy to his wife, Margaret Bruce, the Countess's sister, and her children, of a box or cabinet of silver work, containing a looking-glass, brush, and "pincoad," all set in silver, with several silver boxes of various sizes.¹ By Lady Katherine the Earl had no children to succeed him in the earldom.

His own death took place in September 1694, two years after that of his second Countess. Some time previously he had reacquired the right of reversion of Kilpont, and had commenced a process for the redemption of that barony. Before his death he disposed the reversion and all benefit of these proceedings to his nephew, Sir George Allardice of Allardice.² Probably at the same time, on the 20th October 1693, the Earl appointed another nephew, Sir John Graham of Gartmore, heir to his personal estate, also disposing to him the lands of Unshennoches, in the barony of Rednoch and parish of Port, with the teinds of certain lands to which the Earl held right from the late Henry Erskine, Lord Cardross. Sir John Graham was in the Earl's will appointed heir to the debts, sums of money, goods, gear, plenishing, etc., specified as follows:—Five hundred and twenty-five and a half guineas of gold in the Earl's custody, seven hundred merks Scots due by Robert Graham in Shennochil, rents, cattle, horses, inside and outside

¹ Original receipts at Gartmore.

² Disposition printed in *Airth Peerage Minutes of Evidence*, 1839, p. 39.

plenishing, etc.¹ In return Sir John Graham obliged himself to the payment of certain debts and legacies, and also for the decent burial of the Earl, and erection of a monument to him and his second Countess. The peculiar clause of the will relating to these latter arrangements may be here given:—

As alsoe that the said Sir John Graham shall be holden and obleidged, as he by acceptation heirof obleiges him and his forsaidis, to burye our corps decentlie and honourable, when at the pleasur of God it happen ws to depart this mortall life, and pay the expences of our funeralls, and thereafter to cause ane exquisite and cunning meassone erect tuo statues of fyne hewen ston at lenth from head to fitt, quhairof one for ourselfe and the other for our deerest spowse, Dam Catharine Bruce, now deceast, vpon the west gavill of our buriall-place in the easter isle, and make ane entrie from the said buriall-place neir to the east end of the gavell wall with ane stone dyke on each syde, and ane fyne entrie of hewn work vpon the west end therof, bearing our name and armes and our said spousis, and to maintain and vphold the samen in all tyme comeing, and for that effect to mortifie soe much money as will vphold the same.²

The statues of the Earl and his Countess, if they were ever made, have disappeared, and so have their names and arms, but the entry to the burial-place and the walls still remain.

Tradition relates that a descendant of this last Earl by a natural son, exhibiting the heroism of the gallant Grahams, was the first man who, at the storming of Seringapatam, rushed into the breach, to be immediately blown to pieces. The Earl had also a daughter, Margaret, who was contracted in marriage, on 13th December 1681, to Alexander Stirling of Auchyll, the Earl consenting and giving a tocher of four thousand merks.³

¹ Interesting lists of these were printed from the original Inventories at Gartmore, by the Rev. W. MacGregor Stirling, in his Notes on the Priory of Inchmahome, Appendix vi. pp. 158-164.

² Disposition printed in Airth Peerage Minutes of Evidence, 1839, p. 41.

³ The Stirlings of Keir, by William Fraser, p. 172.

After the death of this the last Earl of Menteith and Airth, the territorial earldom, according to the provision made by him, was inherited by James the fourth Marquis, and afterwards first Duke of Montrose, and is now the property of his descendant and representative, the present Duke. The charter-chest of the deceased Earl is said to have been forcibly taken, "under silence of night," from its custodier, a man named Brown, by order of the Marchioness of Montrose, the widow of the third Marquis, to whom the late Earl had entailed his lands.¹ The Marchioness was evidently led to this step by fears for the loss of the Menteith Muniments. A memorandum in the Charter-chest of the Duke of Montrose, dated at the Isle of Menteith, 29th September 1694, shows that others, and among them the Laird of Allardice, were taking possession of the late Earl's papers. James Graham of Orchill, tutor to the Marquis of Montrose, took a duplicate of a contract between the Earl of Menteith and Lord Cardross, respecting the forty thousand merks payable by the Marquis of Montrose, with some other papers; Sir John Graham of Gartmore took some discharges and accounts of writers, merchants, and tailors; and the Laird of Allardice took some papers relating to transactions between the late Earl and one William Gray, apparently in connection with the lands of Kilpont.

The honours of the late Earl were left unclaimed until about the year 1744, when the title of Earl of Menteith was assumed by William Graham, great-grandson to Lady Elizabeth Graham, sister of the last Earl. Lady Elizabeth married Sir William Graham of Gartmore in December 1663. She died before 1672, and Sir William in December 1684,² leaving a son, Sir John

¹ History of the Earldoms of Strathern and Monteith, by Sir Harris Nicolas, p. 130. He refers to a memorial in 1694 by the Laird of Allardice, in the Allardice Charter-chest.

² Airth Peerage Minutes of Evidence, 1839, pp. 78, 79.

Graham, and a daughter, Mary. Sir John died in 1708 without issue, and was succeeded in Gartmore by his niece, Mary Hodge, the daughter of Mary Graham and James Hodge of Gladsmuir.¹ Mary Hodge was married to her cousin, William Graham, younger son of Walter Graham of Gallingad, to whom she bore two sons and three daughters. The eldest son James was dead in 1740, when William Graham, the second son, became heir,² and claimed to be the representative of the Earls of Menteith.

This William Graham seems to have exercised his assumed title only by voting at elections of Scottish representative Peers at Holyrood House between the years 1744 and 1761. At his first appearance among the Peers at Holyrood, on answering to the title of Menteith, he was asked to describe himself, because that title had been for some time in abeyance and misuse. He replied that he was a student of medicine in Edinburgh, that he had right to the dignity of Menteith, and was executor confirmed to the last Earl, as would appear from an extract in a process before the Lords of Council and Session. At the same meeting, on taking and signing the oath and declaration, and qualifying himself as Earl of Menteith, he protested upon his right to the Peerage.³ In 1762, however, he was required, by an order of the House of Lords dated 27th January, to attend a meeting of its Committee for Privileges on the 1st March following, to show by what authority he had assumed the title of Earl of Menteith. He did not attend the meeting of the Committee, and on the 2d of March the House of Lords issued another order, forbidding him to use the title until his claim should have been allowed in due course of law.⁴

William Graham, notwithstanding this order, clung to his claim to the

¹ Airth Peerage Minutes of Evidence, 1839, p. 80.

² *Ibid.* pp. 83-86.

³ Airth Peerage Minutes of Evidence, 1839, p. 88.

⁴ *Ibid.* p. 91.

title during the whole of his life. In his last years he was reduced to extreme poverty and mendicancy, going from house to house to seek a livelihood, so that he became known as the "Beggar Earl."

In one of his wanderings in the parish of Bonhill, in Dumbartonshire, in June 1783, he went off the road into a field and lay down, and when discovered by the passers-by he was found to be dead. His body was taken to the neighbouring church of Bonhill, and was buried in the churchyard there on 1st July following.¹ He left no issue. The succession of Lady Elizabeth Graham became extinct on the death, in 1821, of Miss Mary Bogle, the niece of the "Beggar Earl."

The descendants of her sister, Lady Mary Graham, have twice preferred their claim to the dignities of Airth, Menteith, and Strathern. Lady Mary married Sir John Allardice of Allardice, in the county of Kincardine, and survived till the year 1720. Their descendant and representative, Robert Barclay Allardice of Ury and Allardice, claimed the dignities in 1834 and 1840. After his death, his only lawful child, Mrs. Margaret Barclay Allardice, renewed the claim in 1870, on which occasion it was opposed by William Cunningham Bontine, of Ardoch and Gartmore, who contended that the dignities were descendible only to heirs-male, and that he was now the heir-male of Malise Graham, first Earl of Menteith. But the House of Lords has not yet finally adjudicated upon any of the claims. The dignities of Earl of Menteith and Earl of Airth are thus still dormant.

¹ Airth Peerage Minutes of Evidence, 1839, p. 144.



SIR JOHN MENTEITH AND HIS RELATIONS WITH
SIR WILLIAM WALLACE.

Circa 1260—circa 1325.

SIR JOHN MENTEITH, whose name has been so unhappily connected with the history of the patriot Wallace, was the second son of Walter Stewart, fifth Earl of Menteith, and his Countess the Lady Mary Menteith, younger daughter of Maurice, third Earl of Menteith. As already noted in the memoir of Alexander, the sixth Earl, elder brother of Sir John, the sons of Walter Stewart assumed the surname of Menteith, and the elder son bore on his shield the arms both of Menteith and Stewart.

For the capture of Wallace, and the delivery of him to King Edward, by whom he was put to death in a cruel and barbarous manner, Sir John Menteith has been branded by historians as a traitor of the deepest dye, and popular tradition has execrated his memory as the "traitor Menteith" from the date of the deed down to the present day. Sir Walter Scott, in his History of Scotland, after stating the capture of Wallace by Menteith at Robroyston, near Glasgow, adds that it is the tradition of the country that the preconcerted signal for rushing upon Wallace and taking him unawares, was, that one of his pretended friends, who betrayed him, should turn a loaf which was placed on the table with its bottom or flat side uppermost. In after times it was

reckoned ill-breeding to turn a loaf in that manner if there was a person named Menteith in company, since it was as it were reminding him that his namesake had betrayed Sir William Wallace, the champion of Scotland. The tradition about turning the loaf was otherwise popularly known in the country as "whummeling the bannock," and when persons of the name of Menteith were treated to this ceremony, they indignantly resented the insult.

The betrayal of Sir William Wallace by Sir John Menteith, a transaction which is rendered all the more dishonourable if the assertion be true that they were friends, has not been received without expression of doubt as to its authenticity. Lord Hailes was the first historian to throw doubt on the popular tradition that Sir John Menteith was the friend of Wallace. His Lordship says, "that Menteith had ever any intercourse of friendship or familiarity with Wallace, I am yet to learn."¹ He discredits the entire story. His remarks are contained only in a note, and he does not appear to have examined all the authorities bearing on the subject with his usual critical acumen. In his subsequent corrections, he says that his apology for Menteith has been received with wonderful disapprobation by many readers.²

Mr. Tytler, in his History, replied to the remarks of Lord Hailes, and gave a list of the authors, both English and Scotch, who relate the capture of Wallace by Menteith.³ Mr. Tytler obviously considered this subject with great care, and he sums up the evidence very strongly against Menteith. His authorities were previously quoted by Dr. John Jamieson in his edition of Blind Harry, who also maintained that they proved the case against Menteith.

A descendant of Sir John Menteith, the late Mr. Mark Napier, made an elaborate defence of his ancestor from the charge of betraying Wallace. This defence is contained in the Appendix to the Memoirs of John Napier

¹ *Annals*, vol. i. p. 310, Note †, first edition.

² *Ibid.* p. 350.

³ Tytler's History, vol. i. pp. 474-480, third edition.

of Merchiston.¹ Mr. Napier admits that certain old chroniclers couple, in a few words, the name of Sir John Menteith with the capture of the patriot. But he explains that Scotland was then completely under the yoke of Edward, and that Menteith was at the head of the executive in the district where Wallace was captured, and held for England the castle of Dumbarton, to which Wallace was at first conveyed. This fact, Mr. Napier adds, is sufficient to account for the names of Menteith and Wallace being so connected. Mr. Napier says that Sir John Menteith died soon after the year 1323, without a stain upon his shield, as he considers that, under the circumstances, his allegiance to King Edward the First was no stain at all.

Mr. Napier arrives at this conclusion by discarding all the ancient historians and chroniclers who relate the facts connected with the capture of Sir William Wallace. As a descendant of Menteith, Mr. Napier has argued the case so much in the spirit of a partisan, that an impartial opinion cannot be formed upon his one-sided statement.

The latest historian, Mr. Burton, has treated this subject very briefly. He says that Wallace was captured in Glasgow, and that the chief person concerned in his capture—the leader, as it would appear, of the party told off for that duty—was Alexander² de Menteith, who received the largest share of the rewards. Mr. Burton thinks that Menteith apparently only performed his duty as keeper of the castle of Dumbarton.

As the capture of Wallace by Sir John Menteith has formed the subject of much historical discussion, we have deemed it necessary, in noticing the events or record concerning his life and actions, to make a careful examination of all the authorities which bear upon this question, and to

¹ Pages 524-534.

² Mr. Burton had not observed that the authority which he quotes correctly names John

Menteith. It was his elder brother who was named Alexander, but he does not appear to have been concerned in the capture of Wallace.

state them impartially, in order that readers may form their own opinion of the conduct of Sir John Menteith.

The first notice of Sir John Menteith is as a party to the bond between his father, Walter, Earl of Menteith, the Earl of Dunbar, and the Bruces, father and son, which was signed at Turnberry Castle on 20th September 1286.¹ This bond, nominally a mutual alliance between the Scottish nobles and two English Earls, one of whom, the Earl of Gloucester, was son-in-law to King Edward the First, was intended to strengthen the hands of Bruce, should the throne of Scotland become vacant. The agreement was probably made on Bruce's solicitations, and the nobles who took part in it were invited to Bruce's castle to draw it up.

After the death of the Maid of Norway and the rejection by King Edward in favour of Baliol of Bruce's claims to the Scottish crown, followed by the struggles which took place through the weakness of Baliol and the dissatisfaction of the nobility with him, which culminated for the time in the defeat of the Scots at Dunbar in 1296, we find Sir John Menteith a prisoner in the hands of King Edward, and arranging with him about terms of release. He had evidently fought by the side of his brother, Earl Alexander, in that unfortunate battle, and shared his fate in being made captive, but was not equally fortunate in obtaining so speedy a release. That, however, was accomplished in the following year.

On the 9th of August 1297, John Comyn of Kilbride was liberated on condition of crossing the sea with King Edward to serve against France, which he swore on the Gospels to do, and to find security for his good faith.² On the same day John of Menteith, brother of the Earl of Menteith, signed and sealed a document to the same effect. From the accounts of the Keeper of the Wardrobe, it appears that Sir Edward (John) Comyn of Kilbride and

¹ Vol. ii. of this work, p. 219.

² Rymer's *Fœdera*, vol. i. p. 872.

Sir John Menteith had been confined in the castle of Nottingham, from which they were conveyed under a strong escort to Winchelsea to the King, where they remained until their liberation in the month of August.¹

A translation of the entry in the accounts relating to the release, which is in Latin, may be here given :—

To Sir John of Haveringe, Sheriff of Nottingham and Derby, for the expenses of Sir Edward Comyn of Kilbride and Sir John of Menteith, who were imprisoned in the castle of Nottingham, for thirteen days going from Nottingham as far as Winchelsea to the King, and remaining there before their liberation in the month of August, together with the expenses of two horsemen and twelve foot soldiers, who conducted them to the foresaid place, and abode there for their safe keeping for the same time, £4, 2s. 6d.

To the same for the charges of the said horsemen and twelve foot soldiers for five days returning from Winchelsea to Nottingham, to each per day as formerly, 25s. : by the hands of Sir William there. Total, 107s. 6d.

On the day of his liberation, Sir John Menteith, with others, received letters directed to King Edward's lieutenant in Scotland, stating that as the bearer had come to the King's obedience, and had given security for passing over the sea with the King, that therefore all lands and holdings in Scotland belonging to the bearer and forfeited to the King, should be redelivered into his hands.² On the same day also, Sir John Menteith himself became security for four other Scottish prisoners, two of whom are expressly said to have been taken at Dunbar—Thomas Campbell, Robert Letham, detained in the Castle of Nottingham, John Wiseman, in the Castle of Fotheringay, and Robert Kersewell. These all obliged themselves to accompany Menteith on the King's service with horses and arms.³ The expedition to France sailed on

¹ Historical Documents, Scotland, vol. ii. p. 136.

² Rotuli Scotiæ, vol. i. p. 44.

³ *Ibid.*, pp. 44, 45.

the 22d August 1297,¹ and King Edward did not return to England till 14th March 1298, when he landed at Sandwich.²

Whether Sir John Menteith returned to England with the King does not appear, but he was in Scotland before the year 1301. It is difficult to follow him at this period, as there is no authentic evidence to show what part he took in Scottish affairs. An attempt has been made to connect him at this date with Sir William Wallace in the so-called " Burning of the Barns of Ayr," which is said to have taken place in August 1298.³ But the evidence as to who were engaged in that exploit is so little supported by trustworthy authority, while the statements made are, at least in one case, in conflict with known facts, that it can scarcely be relied upon; and as this is the only known instance in which Wallace and Sir John Menteith are mentioned as engaged in the same enterprise together, the evidence put forward can hardly be accepted as proof of any friendship between Wallace and Menteith.

It is certain, however, that Sir John, after his return to Scotland from serving the English King in France, did take part with those who attempted to overthrow the English supremacy. In opposition to Mr. Napier's defence of Sir John Menteith, there is evidence to show that he was certainly not so wholly constant to his oath to King Edward the First as has been alleged. Mr. Napier maintains that between 1297 and the time of Edward's death in 1307, Sir John never wavered in his adherence to the English King. There is, however, in the Public Record Office, London, a letter, dated about the month of October 1301, addressed to King Edward by John, son of Suffin, one of the Lords of Argyll, and an ally of the English King in his expedition against the Western Isles of Scotland. In that letter John, who styles himself the humble and

¹ Rymer's *Fœdera*, vol. i. p. 876.

² *Ibid.* p. 889.

³ The Burning of the Barns of Ayr, by John, Marquess of Bute, K.T., p. 24.

faithful son of Suffin, informs the King that he is acting in concert with Sir Hugh Bysset and the English fleet, and that he is prepared and ready to act in the Royal service with Sir Hugh. He then states that, after the fleet retired from "Buth" [Bute], he visited his own land of Knapdale, which the King had conferred upon him by letters-patent. "Hence it is," he adds, "that John of Argyll has entered the said territory with the armed band and a great force on the part of Sir John of Menteith, and he has prevented me dwelling in said land, which John of Menteith indeed is your adversary." The writer thereof petitions the King to send letters to John of Argyll, who had been summoned, and apparently received to the King's peace shortly before, that he might deliver the land of Knapdale to the petitioner according to the King's letter.¹

There can be no doubt as to the exact date of the above letter, as it specially mentions King Edward's leaving Glasgow and going to Bothwell, where he is known to have resided between the 4th and 27th days of September 1301. The references to the King's grant of the lands of Knapdale, and the opposition to him of Sir John Menteith, are remarkable, as in the public archives there is a charter granting to John, the son of Swein [or Suffin], and his brothers, the lands of Knapdale, which formerly belonged to their ancestors. The reason for the grant is that John and his brothers may make themselves more hateful to John of Menteith, the King's enemy and rebel, and to others the King's enemies in Scotland. The lands, if they can be recovered from the King's enemies, are to be held for the usual services. This charter is inserted under its date, 22d July, in the Scotch Roll, of the fourth year of King Edward the Second [1310].² Appended in the margin is a note to the effect that Sir John of Menteith now adhered to King Robert, and therefore the English King, as far as he could, had given his

¹ Historical Documents, Scotland, vol. ii. p. 437.

² Rotuli Scotiæ, vol. i. p. 90.

lands to his friends of Argyll. It is not impossible that the charter quoted may be misplaced in its arrangement, and that it properly refers to the time of King Edward the First instead of his son.

But whether this be so, or that the charter of 1310 is a renewal of a former grant, the evidence of the above letter and its undoubted date show that Sir John Menteith was, in 1301, certainly wavering in his allegiance to his oath; and though there is not sufficient evidence to show that he had such connection with Sir William Wallace as to amount to friendship, yet he seems for a time to have joined the patriotic party in Scotland.

Two years after this, Sir John Menteith appears as a negotiator for peace, but to which party of the Scots he then belonged is not so clear. On 28th September 1303, while King Edward was in the north of Scotland, his lieutenant, Sir Aymer de Valence, wrote from Berwick to the King's clerks regarding the Irish troops in the English pay. He says that these troops had heard of the arrival of money at Berwick, and that they were remaining in the country round about Linlithgow, where they could not live without ready money, except by robbing those who had come into allegiance to the King. He urges the King's clerks to do his command [in reference to pay], as he had promised the Irish that if money came they were sure to receive it, and had told them that he was not strong enough to hinder the enemy without their assistance. This clause refers to the first statement in the letter, that the Scots had openly assembled in force in the lands. After the above reference to the Irish and their want of ready money, and stating that they had packed their baggage to return to their own country, Sir Aymer adds:—And Sir John of Menteith and Sir Alexander of Meyners, who had come to treat in good form for peace, broke up their business by reason of the scarcity which they saw among the said people.¹

¹ Historical Documents, Scotland, vol. ii. p. 452.

It is thus clear from this letter that Sir John Menteith and his companion came on behalf of the Scots to negotiate a truce, and when they saw the condition of the Irish, judging that famine would soon drive them from Scotland, they refused to treat further. This view gains force from the appeal with which Sir Aymer de Valence concludes his epistle, referring to his promise, his inability, if unaided, to meet the Scottish troops, and urging the King's clerks to transmit the money, lest it be their fault if the country were in such a state that the King could not stop his enemies, to his dishonour and damage.

It is not easy to say on behalf of what body of Scots Sir John Menteith and Sir Alexander Meyners were treating. They may have been connected with the patriotic bands, who had a few months before passed from Liddesdale and Annandale into Cumberland, against whom King Edward, writing from Clackmannan, had commanded Beck, the warlike Bishop of Durham, to march with his troops.¹ But though Edward's army and that of his son had ravaged the greater part of the South of Scotland, and the inhabitants in many places had been compelled to submit, yet Sir John Comyn, Sir Simon Fraser, and Sir William Wallace were still carrying on the war by desultory attacks upon the English. Shortly after this, Sir John Comyn, who had been chosen Governor of Scotland on the resignation of Wallace, collected all the force at his command to oppose King Edward's march against Stirling Castle; but it does not appear that either Sir William Wallace or Sir Simon Fraser was present on this occasion. The two armies met on the banks of the Forth, and the Scots were completely defeated. This disaster so disheartened Comyn and his party, that, on the 9th of February 1304, they submitted themselves to Edward, as an English historian says, humbly suing for peace, and that the King should permit them, as a reward for submission,

¹ Rymer's *Fœdera*, vol. i. p. 957.

to recover their lands which he had given to others.¹ Their submission was accepted on these terms, and the progress of negotiations may be gathered from original documents still extant.

One of these documents, dated about February 1304, promises safety to all who should come to the King's peace before Candlemas, on certain conditions, all so doing to be received, except Sir Simon Fraser, Sir David Graham, and Sir Thomas du Bois. More favourable terms were held out to those who should surrender apart from Comyn than to those who came in his company. Special conditions were made regarding Sir John Comyn and Sir John Moubray.² Arrangements were also made to receive all Sir John Comyn's adherents, who should submit before the 16th of the then instant February.³ Further, among the proposals made by the King's ambassadors to Comyn and his party, four persons are specially excepted from the treaty, namely, the Steward of Scotland, Sir John Soulis, Sir Simon Fraser, and Sir Thomas du Bois. Of these, the two first were to be banished from Scotland for two years, and the two latter for three.⁴

It will be noticed that at this stage of the treaty nothing whatever is said regarding Sir William Wallace. But in a separate indenture, probably about the same date, referring to the fortresses to be continued in the King's hands, and also decreeing a short exile for Sir David Graham, one of those who had formerly been excepted, and others, it is stated to be the King's intention that Sir William Wallace shall be received at the King's will and commandment.⁵

The treaty between Sir John Comyn and King Edward was formally arranged at Strathorde on the 9th February, and in the completed document the name of Sir William Wallace is added to the list of excep-

¹ Walsingham, 1574 edition, p. 57.

³ Palgrave's Historical Documents, p. 279.

² Palgrave's Historical Documents, p. 278.

⁴ *Ibid.* p. 281.

⁵ *Ibid.* p. 284.

tions, but provision is also made that he may, if he will, come to the King's grace.¹

The Scottish nobles and barons who at this time submitted to Edward were at once admitted to his favour. They received, as will be seen, various appointments of trust, and they appear to have sat in a Parliament held by King Edward at St. Andrews before the siege of Stirling. In a notary's instrument, dated 22d July 1304, relating the proceedings both before and after the siege, and also the surrender of the castle, the King is said to have acted on the advice of the convoked magnates of both kingdoms.² This instrument is further important, as it tells how the Scottish nobles, awed by the power of the English King, had submitted, and were received by him, that the castle of Stirling was the only rebel fortress, and that therefore, by the advice of the said mixed Council, the King had besieged it, and it had been taken by him. These statements prove how completely the Scottish nobles, in despair of their country's liberty, had given allegiance to the conqueror, although it must be admitted that the restoration of their lands was specially stipulated on their part.

These proceedings of the Scottish nobles will explain the next document referring to Sir John Menteith. As has been stated, the nobles who submitted to King Edward were at once admitted to offices of trust. Among the names of the leaders who submitted, that of Sir John Menteith is not found, perhaps because he was not specially prominent, or more probably because he made a separate submission; but about a month after the signing of the treaty, the custody of the castle, town, and sheriffdom of Dumbarton was conferred upon him. The grant is dated at St. Andrews, 20th March 1304, and it is in the form of a letter addressed by the English King to the tenants and others in the castle, etc., announcing the appointment of

¹ Ryley, p. 370.

² Rymer's *Fœdera*, vol. i. p. 965.

Sir John, and commanding obedience to him in all things to be done for the King's honour.¹

He was not the only one who received a special charge from the King. On 3d March 1304, Sir Alexander Abernethy received strict injunctions to watch the passages of the river Forth, and was commanded that neither for the Parliament nor for any other business should he leave his post until the King pleased. Further, he is sternly enjoined to hold out no terms to Sir William Wallace, save an absolute surrender. The terms of Edward's letter to him are interesting, as apparently implying that Wallace, or some one for him, had been treating with Abernethy, and that the latter had sought the King's instructions. The King says:—In reply to the matter wherein you have asked us to let you know whether it is our pleasure that you should hold out to William le Waleys any words of peace, know this, that it is not our pleasure by any means, that either to him, or to any other of his company, you should hold out any word of peace, unless they place themselves absolutely and in all things at our will, without any exception whatever.²

It may be interesting to remark in passing that the original document is much scored and corrected, as if the King, in dictating to his secretary, had been specially anxious that there should be no misunderstanding as to his exact meaning. Moreover, this letter, when compared with the apparent liberality of the clause in the treaty before referred to, shows very clearly what were King Edward's real feelings towards Wallace. If that patriot had come to treat of peace, he would, notwithstanding the King's professions, have met with as little mercy as did the brave defenders of Stirling Castle four months later, when they surrendered to Edward's will. An English historian speaks of the King's temper against Scotland as

¹ Historical Documents, Scotland, vol. ii. p. 474.

² *Ibid.* p. 470.

“fulle grim,”¹ and the expressions used by the notary in describing those who dared to hold the castle of Stirling are even more remarkable as indicative of the royal resentment. They are spoken of as insane, possessed with the madness of dogs, persevering in atrocious wickedness,² with other epithets tending to show the determined wrath of the King against all who opposed his subjugation of Scotland. It is very doubtful, therefore, if even at this time Wallace had surrendered himself, that there would have been any difference in his fate, and no doubt the King grew more exasperated as time went on, and the patriot was still at large.

It is necessary to bear in mind the terms of the treaty made by Comyn and his party in considering their share in a further transaction regarding Sir William Wallace, of which no historian has hitherto taken account. When Sir John Comyn came to the peace of the King, he made special stipulations, not only for safety of life and limb, but also that his lands should be restored, and it may be inferred that this was granted. Further, as has been stated, in the course of the negotiations special exceptions were made as to receiving the Steward of Scotland, Sir John Soulis, Sir Simon Fraser, and Sir Thomas du Bois, who were to be exiled. Sir David Graham and Sir Alexander Lindsay were awarded slight punishment before being received to favour. This was in February 1304, but a few months later other conditions were imposed.

In a document drawn up after the capitulation of Stirling Castle, containing the names of the magnates and others who served under the King during the siege, and referring to the rewards to be given to them, the following orders appear. If they were not acted upon, they in any case show what the King's conditions of mercy were, as regards those who should come to his peace at a time when his wrath had been excited by the obstinate

¹ Langtoft's Chronicle, vol. ii. p. 324.

² Rymer's Fœdera, vol. i. p. 965.

resistance of the besieged. It was ordained:—That Sir John Comyn, Sir Alexander Lyndesey, Sir David Graham, and Sir Simon Fraser, who were to keep themselves in exile according to the ordinance made, together with the other Scots who are at the faith of the King, should labour between this, the beginning of August, and twenty days after Christmas, to take Sir William Wallace and to deliver him to the King, so that he may know how each one shall conduct himself, by which he may have more favourable regard to the taker of Wallace, that is, in the matter of exile or ransom, or otherwise. It was further ordained that neither the Steward of Scotland, Sir John of Soulis, nor Sir Ingelram de Umfraville, should have a safe-conduct to come to the power of the King until Sir William Wallace had been given up to him.¹

In such way did Edward strive to enlist the services of Wallace's own countrymen against him, and it is a very remarkable fact that, among the names of those who might purchase their freedom by the capture of the patriot, is that of Sir Simon Fraser, regarded by all historians as one of Wallace's most intimate friends. Such a fact proves that the one absorbing aim of the English King now was to get the patriot into his power, and that he scrupled not at any means for effecting this result. Sir Simon Fraser, however, never came to the King's peace, but, about a year after Wallace's capture, was himself taken, when his head was struck off and placed near that of his fellow-patriot on London Bridge.

It will be seen, however, from the above document, that several Scottish barons, one of whom, at least, had already submitted to Edward, were deeply interested in the capture of Wallace. In Comyn's case the surrender of Wallace meant the final restoration of his lands, which in the treaty was left to the King's will, and in regard to the others, the temptations held out

¹ Palgrave's *Historical Documents*, p. 276.

were strong. Sir John Menteith, therefore, although, as Constable of the Castle of Dumbarton and Sheriff of the county, his name, by virtue of his office, may have been specially connected with the taking of Wallace, was not necessarily the only person engaged in the pursuit of the latter.

That this was so is proved by the fact that at this time, in the seventh Parliament of his reign, King Edward liberated one of the prisoners taken at Stirling, Ralph Haliburton, apparently a squire, as he is not said to be a knight. He was to go to Scotland under the charge of Sir John Moubray, one of those who had sworn allegiance along with Comyn, and their special object was to assist "those other men of Scotland who were engaged about the capture of Sir William Wallace."¹ It has been stated that Sir William Wallace had in his service a knight named Henry Haliburton,² probably a near relation of Ralph Haliburton, then employed as a spy on Wallace. But whether this be so or not, Sir John Moubray had special instructions to see how Ralph Haliburton conducted himself, and to try what he could do.³ Moubray was to bring the squire back to London, and to produce him before the Parliament summoned to meet three weeks after Midsummer's day, and which was afterwards postponed till September. What was done by Ralph Haliburton cannot be known, but soon after this [it is said on the 18th July] Wallace was seized and sent to London.

In an original paper containing memoranda apparently of business to be done in the English Council, and also bearing entries of rewards to be given to those who seized Sir William Wallace, the following entries occur:—To be remembered, the 40 marks which ought to be given to the valet [or squire] who spied out William Waleys.⁴ Also the sixty marks to be given

¹ Ryley, p. 279.

² Tytler's History of Scotland, vol. i. p. 199, n.

³ Ryley, p. 279.

⁴ Jack Short is stated to be the servant of Wallace who spied him out.—[Langtoft]

to others, and the King wishes that these [should be given to those who] were at the taking of the said William to divide among them. Then follows an entry: "De la terre cest a savoir c li, pour J. de Mencteth,"¹ that is to say, a hundred livres for John of Menteith. From the context it seems probable that this was Sir John's share of the reward, though it may be noted that this is the only original document of any authenticity which brings the names of Sir William Wallace and Sir John Menteith together. It is also possible that the sum stated may have been repayment of the expenses incurred by Sir John Menteith, acting as the King's sheriff in carrying the prisoner to London.

That Menteith had some connection with the capture of Wallace is thus amply proved, but the accusation that he basely betrayed him as his friend rests upon evidence too insufficient to substantiate such a charge; and the document just quoted, the mention of the valet who spied out William Wallace, with the fact that a squire was specially sent from England in charge of an adherent of Comyn's, to assist in taking the patriot, while the capture followed shortly thereafter, render it probable that, as an English historian says, Wallace was really taken by the King's soldiers, "per milites regis in Scotia captus est."²

On the other hand, the historians nearest the event, the Chronicler of Lanercost,³ Wyntoun,⁴ and Bower,⁵ agree in the statement that Sir John Menteith took Wallace prisoner. Wyntoun states that Sir John Menteith took Sir William Wallace in Glasgow, and the statement of Bower to the same effect is very explicit, that in the year 1305 William Wallace, while suspecting no evil, was craftily and treacherously taken by John of Men-

¹ Palgrave's Historical Documents, p. 295.

² Walsingham, 1574 edition, p. 61.

³ Chronicle of Lanercost, p. 203.

⁴ Wyntoun's Cronykil, Macpherson's edition, vol. ii. p. 130.

⁵ Fordun a Goodall, vol. ii. p. 229; a Hearne, vol. iv. p. 996.

teith, who handed him over to the King of England.¹ But whether the prime mover in this business or only an abettor, in the execution of his office of Sheriff of Dumbarton under the English King, in which he may have been compelled to perform a disagreeable task, or have forfeited his own life, Sir John Menteith has not escaped the execration of posterity for his alleged share in the death of Scotland's best patriot, though he was subsequently held in high esteem by King Robert the Bruce.

Sir John Menteith from this time held a high position in the favour of King Edward. Immediately after the capture of Wallace a Parliament was held at Westminster in September 1305, to which the *Communitas* of Scotland sent representatives chosen from their number. Among these, the first members from Scotland who sat by election in a Union Parliament, were Sir John Moubray and Sir John Menteith. The latter, however, was not one of those originally chosen, but was specially nominated by the English King himself, in place of the Earl of March, who was elected, but who failed to attend. This nomination seems to imply Sir John's presence in London at the time, and before the Earl's defection was publicly known. There were ten Scotch representatives, and they, with twenty Englishmen, were to arrange for settling the affairs of the northern kingdom. Sir John of Bretagne was appointed the King's lieutenant and Guardian of Scotland, and in the list of those who were to form his Council appear the names of Sir John Comyn, Sir John Moubray, and Sir John Menteith. The latter was continued in his office of Sheriff and Keeper of the Castle of Dumbarton, and the garrison of the castle was to be appointed by the King's lieutenant and chamberlain on their next visit to Scotland.²

¹ Fordun, a Goodall, vol. ii. p. 229; a Hearne, vol. iv. p. 996.

² Acts of the Parliaments of Scotland, vol. i. pp. 119-121; Palgrave's Historical Documents, p. 292.

Sir John Menteith continued in command of that important fortress for about two years longer, and during that time the English King bestowed upon him an acknowledgment of his services. It would appear that in 1306, while meditating his last campaign against Scotland, King Edward granted to his barons and knights, in anticipation, various lands in Scotland, either on their own petition, or because of the King's own estimate of their merits. In the roll of those thus rewarded appear the names of a few Scotchmen who had served the King, and among such Sir John Menteith holds the chief place. On the first day of June [1306], at Westminster, the King commanded to enter in the roll the earldom of Lennox for Sir John Menteith, though it is not stated, as in the majority of other cases, that it was petitioned for. On the 15th of the same month, the Chancellor and Chamberlain of Scotland were commanded to make a charter, and Sir Aymer de Valence was enjoined to give sasine; and the King gave to Sir John Menteith the ward of the castle and of the sheriffdom of Dumbarton for the term of his life.¹ The extensive earldom of Lennox would not have been granted to Sir John Menteith except as a reward for some signal service rendered by him to King Edward, and the gift being made so soon after the capture of Wallace, no doubt indicates the satisfaction which the securing of the latter afforded to the English sovereign.

On the 14th December 1307, after the death of King Edward the First, his son, in providing for the proper government of Scotland during his absence in France, writes among others to Sir John Menteith, as Earl of Lennox, to use his best endeavours to preserve peace, and to obey the Earl of Richmond, guardian of the kingdom.² This proves that Sir John had not during the life of King Edward the First departed from his latest oath to the latter, but he does not appear to have long given his service to King

¹ Palgrave's Historical Documents, p. 305.

² Rymer's *Fœdera*, vol. ii. p. 22.

Edward the Second, as shortly afterwards he appears among the adherents of King Robert the Bruce.

The coronation of King Robert on 27th March 1306 was followed by a series of misfortunes and defeats, which for a time threatened the complete overthrow of his cause. Gradually, however, the tide of fortune turned, the English and their partisans were defeated or driven from the country, and the number of Bruce's adherents rapidly increased. Some of his adversaries had been compelled to swear allegiance, and no doubt his success led many to come to his standard. At length, in 1308, Bruce was acknowledged as King of Scots by the King of France, and ambassadors were sent to Scotland with letters of credence, containing expressions of personal regard to King Robert Bruce, apparently with the design of renewing the ancient friendship of France and Scotland. So much is gathered from the formal reply to the King of France drawn up by the nobles of Scotland at St. Andrews on 16th March 1309.¹ They describe themselves as those who acknowledge fidelity to Robert, King of Scots.

Sir John Menteith was among those then present, in company with Randolph, Earl of Moray, Alexander Lindesay, and others who had not joined Bruce at first, but afterwards had come to him. Alexander of Argyll, one of the Lords of Lorn, King Robert's special enemies, was also present. He had been compelled some time before to surrender his castle and swear allegiance to the King, and his presence at this Parliament corrects a statement of Bower, who says that he fled to England and died there.² Sir John Menteith may also have been forced to transfer his allegiance to Bruce, but of this there is no good evidence, and after this date he is much in the confidence of Bruce. Of course, on this new change of front, he dropped all

¹ Acts of the Parliaments of Scotland, vol. i. p. 459.

² Fordun, a Hearne, vol. iv. p. 1005.

pretensions to the earldom of Lennox. The real Earl of Lennox was one of the most devoted adherents of Bruce, and Sir John Menteith could not therefore make good the grant of the earldom received by himself from King Edward.

On 7th August 1309, Menteith was present with the King at Lochbren, and along with Malcolm, Earl of Lennox, and Sir Nigel Campbell, two of Bruce's most devoted adherents, witnessed a grant to William, Thane of Cawdor, of the thanage of the same.¹ On the 21st of the same month, Sir John Menteith and Sir Nigel Campbell had a safe-conduct from King Edward the Second, as ambassadors of King Robert, to treat of peace with Richard de Burgh, Earl of Ulster, commissioner of the English King. This last fact, as indicative of the trust reposed in Menteith by the King of Scots, and also the close association with Bruce's friend, has been alleged by a recent writer as a proof of Menteith's innocence as regards the capture of Wallace; and the remark has some force, as it is difficult to see how a man who, if guilty of all the treachery now laid to his charge, must have been detested, should yet possess an honourable place in his King's and in his country's confidence. As has been shown, Sir John Menteith's connection with the capture of Wallace is sufficiently proved, but it may also be remarked that the number of Bruce's adherents was yet comparatively few, and, therefore, all who came to his service would be welcome.

Between the years 1309 and 1315, the year after Bruce's victory at Bannockburn, little can be traced of the history of Sir John Menteith. His name appears only as a witness to one or two charters granted by King Robert between those dates. On 25th May 1315, he is said to have accompanied Edward Bruce and Thomas Randolph in the campaign against Ireland,² but does not appear to have remained long there, as in the ensuing

¹ The Thaness of Cawdor, by Cosmo Innes, p. 4.

² Hailes' Annals of Scotland, vol. ii. p. 69, n.

March he was with King Robert at Dumbarton when the latter granted a right of sanctuary to the church at Luss.¹ In 1316, Sir Thomas Randolph and Sir John Menteith received a safe-conduct from King Edward the Second to pass into England, but on what special mission does not appear.²

In 1320 Sir John Menteith joined with other Scottish nobles and barons in the famous letter to the Pope, in which they so ably defended the right of their King, and besought the Roman Pontiff's interference on behalf of peace with England. Sir John Menteith is styled in this document guardian of the earldom of Menteith, although his nephew, Murdach, the eighth Earl, was then in possession, and granted charters of lands within the earldom. It is a curious commentary on the times to find among the barons who appended their seals to this letter, Sir William Soulis, Sir David Brechin, and others, who a few months afterwards were convicted of a conspiracy against the King, and condemned to death.

The last public act in which Sir John Menteith is known to have engaged was one of the first importance to his country. Thomas Randolph, Earl of Moray, and Sir John, were once more conjoined in a mission to England. Edward the Second, after a series of military reverses, and finding his kingdom weakened by a long war, availed himself of the mediation of Henry de Sully, a French knight, for a peace between England and Scotland. After some preliminary difficulties, commissioners were appointed on behalf of both kingdoms, those on the Scottish side being the Bishop of St. Andrews, the Earl of Moray, Sir John Menteith, and Sir Robert Lawder, senior. They received a safe-conduct to pass into England,³ and met the English envoys at Newcastle-on-Tyne, where the terms of a thirteen years' peace were arranged. The Scottish ambassadors then met the English King at Thorp, or Bishop

¹ The Lennox, by William Fraser, vol. ii. p. 18.

² Rymer's *Fœdera*, vol. ii. p. 302.

³ *Ibid.* p. 519.

Thorp, near York, where, on the 30th May 1323, he formally consented to the treaty.¹

Sir John Menteith also, with Sir James Douglas and others, was one of those barons and magnates of Scotland who swore on the soul of Robert Bruce to observe the said treaty on behalf of the Scotch King and nation.² The treaty of peace and oath were thereafter ratified by Bruce as King of Scots, in a council held at Berwick on 7th June 1323,³ and by accepting this ratification Edward the Second acknowledged the royal title which he had hitherto denied. Sir John Menteith had thus an important share in securing for Bruce the acknowledgment by England of the kingdom of Scotland as an independent sovereignty. This treaty led the way for that Act of the English Parliament at York on 1st March 1328, when the independence of Scotland was fully acknowledged, and the pretended title of Lord Paramount finally renounced by the King of England.⁴

This consummation so long desired Sir John Menteith did not live to see. There is reason to believe that he died not long after 1323, and he certainly predeceased his royal master, as among the missing charters of King Robert the First is a confirmation to Joanna, Countess of Strathern, daughter of the deceased Sir John Menteith.⁵

Sir John Menteith was the ancestor of the families of Kerse and Rusky. It is not known whom he married, though he is sometimes said to have been the husband of Lady Elene of Mar, daughter of Gratney, Earl of Mar, and niece of King Robert the Bruce. This, however, is a mistake, as Lady Elene was the wife of his son, also called Sir John Menteith. This is proved by a reference to one of the missing charters of King Robert the First, granting to

¹ Rymer's *Fœdera*, vol. ii. p. 521.

² *Ibid.* p. 522.

³ Acts of the Parliaments of Scotland, vol. i. p. 479.

⁴ Rymer's *Fœdera*, vol. ii. p. 730.

⁵ Robertson's Index, p. 18.

“ John Menteith, son of John Menteith, the lands of Strugartney.”¹ These lands are stated in a charter by King David the Second, of date 5th April 1359, restoring them to Sir John Menteith, the son of Lady Elene, to have been granted to his father and Lady Elene of Mar his spouse in free marriage.² The second Sir John Menteith must have died before the year 1344, as in that year King David the Second granted a precept for infesting John of Logy in the lands of Stragartney, which had been forfeited by his father about 1320, which precept is to take effect notwithstanding that Sir John Menteith then held the lands.³ In the charter of 1359, already referred to, granted to Sir John Menteith, the son of Lady Elene, the King refers to the above precept, and states that Sir John in 1344 had been in full possession of these lands, which the King now restored to him, that he might again have the same possession which he had before the date of the grant to the late John of Logy.

It is thus evident that there were three Sir John Menteiths in succession. The last of the three is known as Lord of Arran and Knapdale, but it is probable, from certain documents quoted in this Memoir, that these lands first belonged to his grandfather, as a younger son's portion of the earldom of Menteith, and that they descended to him as the representative of the main line, the elder branch of which became extinct in him, as he died without surviving issue.

Sir Walter Menteith, the direct ancestor of the Rusky family, must therefore have been the second son of Sir John Menteith, though he is commonly said to be the oldest son. No satisfactory proof of this last statement has been adduced, and though little is known regarding Sir Walter, he was certainly the father of Sir John Menteith, the ancestor of

¹ Robertson's Index, p. 23.

² Vol. ii. of this work, p. 238.

³ The Red Book of Grandtully, by William Fraser, vol. i. p. 127*.

the family of Kerse, and of Alexander, the ancestor of the family of Rusky, who were parties to the agreement made in 1360 with the Drummonds, as related in a former chapter. In the same agreement, Sir John Menteith, Lord of Arran, appears as head of the family of Menteith, which is a further proof that his was the elder branch.

Sir John Menteith is also said to have had three daughters, but of these only one can be traced, Joanna, who received a charter from King Robert the Bruce, confirming a grant to her by her first husband, Malise, Earl of Strathern, of the lands of Cortachie.¹ The date of his death is not known, but she married, secondly, and was left a widow by, John Campbell, son of Sir Nigel Campbell and Lady Mary Bruce, sister of King Robert, who created his nephew Earl of Athole. On 11th July 1339 she received a dispensation for her third marriage with Sir Maurice Moray, a firm adherent of King David the Second, who created him Earl of Strathern in 1343. The reason given for granting the dispensation is the near degree of consanguinity between her deceased husband and Sir Maurice Moray. The dispensation also states that the marriage was arranged as a means of settling family feuds, in which one of the chiefs of Sir Maurice's family had been slain.

Sir Maurice Moray was slain at the battle of Durham, and the Countess of Strathern married, as her fourth husband, William, Earl of Sutherland. This is proved by a charter, dated 31st May 1352, in favour of John Mercer, burgess of Perth, granted by John of Menteith, Sheriff of Clackmannan, in which the latter conveys all his interest in the ward of the lands of the deceased Walter Moray of Tulibardin, which had been granted to him by William, Earl of Sutherland, and his spouse, Joanna, Countess of Strathern.²

¹ Robertson's Index, p. 18, No. 69.

² Vol. ii. of this work, p. 234.

PEDIGREE OF THE MENTEITH EARLS OF MENTEITH.

I.—GILCHRIST, EARL OF MENTEITH.

Is the first bearing that designation who is found on record. He appears first as a witness to a charter to the Abbey of Scone, granted by King Malcolm the Fourth in 1164. He also appears in the reign of King William the Lion as witness to a charter dated between 1175 and 1178.

II.—MURETHACH OR MURDACH, SECOND KNOWN EARL OF MENTEITH.

Appears as a witness to a convention between Gilbert, Prior of the Convent of St. Andrews, and the Culdees of that place, dated about 1199 or 1200. He died before 1213.

III.—1. MAURICE, CALLED EARL OF MENTEITH.

In a deed of agreement between himself and his brother Maurice the younger, dated 6th December 1213, by which he resigned the earldom into the hands of King William the Lion, to be given to the younger Maurice, while the elder held for his lifetime certain lands in bailiery of the King. Had issue daughters.

III.—2. MAURICE JUNIOR, THIRD KNOWN EARL OF MENTEITH.

Who, in terms of the agreement with his brother, received the earldom from King William the Lion, who confirmed the same to him by a charter dated 7th December 1213. Earl Maurice was one of the seven Earls of Scotland who, on 5th December 1214, took part in the coronation of King Alexander the Second. He also witnessed various charters of that monarch. He died about 1230, leaving two daughters as his heiresses in the territorial earldom.

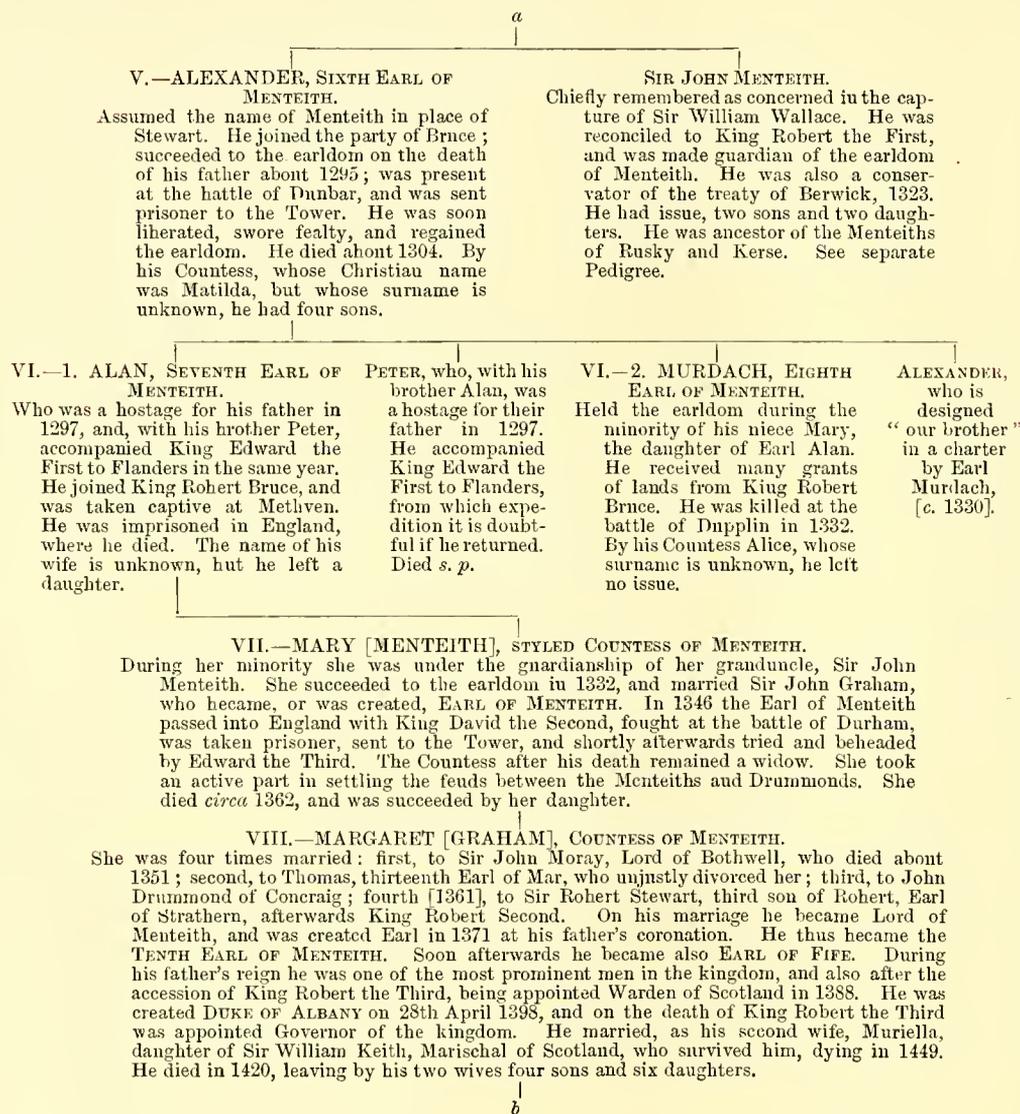
IV.—1. ISABELLA, STYLED COUNTESS OF MENTEITH.

Who in 1230 married Walter Comyn, Lord of Badenoch, who became, or was created, FOURTH EARL OF MENTEITH. He was in high favour at the Court of King Alexander the Second, and after the death of that King he took a foremost part in directing the affairs of Scotland. He died in 1258, leaving a daughter, Lady Isabella Comyn. The Countess married, secondly, Sir John Russell, an English knight, by whom she had no issue. She was dispossessed of the earldom, and died an exile in England about 1273.

LADY ISABELLA COMYN, who married, first, her cousin, William Comyn, Lord of Kirkintilloch, by whom she had no issue. He died before 2d June 1291. Lady Isabella married, secondly, *circa* 1293, Sir Edmund Hastings, designed, in 1301, Lord of Enchinchelmok or Inchmahome, and died apparently without issue by either of her husbands.

IV.—2. MARY, STYLED COUNTESS OF MENTEITH.

Younger sister of Isabella, styled Countess of Menteith, married Walter Stewart, third son of the High Steward of Scotland, who received the earldom about 1260, and became, or was created, EARL OF MENTEITH. He thereafter took a prominent place in the history of Scotland. He was present at the battle of Largs in 1263. In 1281 he promoted the marriage of the Princess Margaret of Scotland with Eric, King of Norway. In 1289 he took part in a treaty with England as to the marriage of the Maid of Norway and the Prince of Wales. He swore fealty to King Edward the First on 13th June 1292, and died about 1295. Mary, Countess of Menteith, predeceased her husband before 1286, after which Walter Stewart continued to possess the earldom till his death, when his eldest son succeeded to the earldom. They had issue two sons.



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IX.—MURDACH, SECOND DUKE OF ALBANY, EARL OF FIFE, AND ELEVENTH EARL OF MENTEITH.

Was the only son of the Countess Margaret. He held for some time the offices of Abthane of Dull and Justiciar north of the Forth. In 1392 he married Isabella, eldest daughter of Duncan, eighth Earl of Lennox. He was taken prisoner by the English at the battle of Homildon Hill on 14th September 1402, and remained a captive in England until the beginning of the year 1416. In 1420 he succeeded his father as Governor of Scotland. On 25th May 1425 he was, with his father-in-law, the Earl of Lennox, and his own son Alexander, tried and condemned to death by King James the First, and beheaded at Stirling. By his wife, who survived him and died *circa* 1460, he had issue four sons and one daughter.

SIR JOHN STEWART, eldest son of the Earl of Fife, and Muriella Keith. He became Lord Chamberlain of Scotland in 1407, and in 1408 he was created Earl of Buchan. He passed into France, and for his bravery was created Constable of France. He was killed at the battle of Verneuil, 18th August 1424. He married (contract dated 21st July 1410) Elizabeth, daughter of Archibald, fourth Earl of Douglas, and had issue a daughter Margaret, who, in 1436, married George, Lord Seton.

ANDREW STEWART, second son of Duchess Muriella. He is mentioned in various charters from 1398 to 1407. He appears to have died young.

ROBERT STEWART, who is named as an heir of entail with his brothers John and Andrew, in charters dated in 1398, 1406, and 1413. In 1428-1431, he received a pension from King James the First of £13, 6s. 8d.

LADY JANET, betrothed to David of Loen in 1372.

LADY MARIA, married Sir William Abernethy of Saltoun, and had issue.

LADY MARGARET, married, first, Sir John Swinton of Swinton; second, Robert Stewart of Lorn, and had issue by both.

LADY ISABEL, married, first, Alexander Leslie, Earl of Ross; second, Walter Haliburton of Dirleton, and had issue by both.

LADY MARJORY, married Sir Duncan Campbell of Lochaw, and had issue.

LADY ELIZABETH, married Sir Malcolm Fleming of Cumbernauld, and had issue.

ROBERT, styled Master of Fife, who predeceased his father before 1421, *s. p.*

SIR WALTER, who was beheaded at Stirling, 24th May 1425. He is said to have married a lady of the name of Campbell. He obtained a dispensation, dated 27th May 1421, for his marriage with Janet Erskine, but it is not known whether this marriage ever took place. He is said to have been the ancestor of the Lords Avaudale, Castle Stnart, and their branches.

SIR JAMES, who died before May 1451, without lawful issue. He was ancestor of the Stewarts of Ardvoirlich.

SIR ALEXANDER, designed of Kinclavin, who was beheaded at Stirling on 25th May 1425. Died *s. p.*

LADY ISABELLA, who married Sir Walter Buchanan of that Ilk, in county of Stirling, and had issue.

PEDIGREE OF THE MENTEITHS OF RUSKY, KERSE, ETC.

I.—SIR JOHN MENTEITH.

Second son of Walter Stewart, fifth Earl of Menteith, appears first in 1286 as a party to an agreement with Bruce. He was, in 1297, a prisoner in the castle of Nottingham, and was liberated in the month of August, on condition of accompanying King Edward to France. At the same time he received a regrant of all his lands, goods, etc., in Scotland, which had been forfeited. In 1301 he is, in a letter to King Edward, called the King's "adversary." In 1303 he is named as a negotiator for peace. In 1304 he was appointed custodian of Dumbarton Castle, and in 1305 he was a Scots representative at Westminster to treat for the settlement of the kingdom. In 1307 he was summoned, by Edward the Second, under the title of Earl of Lennox. In 1308 he signed a letter from the barons of Scotland to the King of France. In 1320, as guardian of the earldom of Menteith, he signed the letter from the nobles of Scotland to the Pope. Between 1308 and 1323 he witnessed numerous charters by King Robert the First. In 1323 he was a conservator of the truce between England and Scotland. He died shortly after that date, leaving issue two sons and two daughters.

SIR JOHN MENTEITH, LORD OF ARRAN AND KNAPDALE, who married Lady Elene of Mar, daughter of Gratney, Earl of Mar, and niece of King Robert the First, who granted to Sir John and Lady Elene in free marriage the lands of Stragartney. He had by Lady Elene of Mar a son and a daughter.

II.—SIR WALTER MENTEITH OF RUSKY. He had a charter of the lands of Thom in Menteith from Murdach, eighth Earl of Menteith, about 1330. He had issue.

JOANNA, who married, first, Malise, Earl of Strathern; she married, secondly, John Earl of Athole; thirdly, Maurice Moray of Drumsargard; and fourthly, William, Earl of Sutherland.

daughter, married Sir Aneihald Campbell of Lochaw.

SIR JOHN MENTEITH, LORD OF ARRAN AND KNAPDALE, who married Christian, daughter of Sir Edward Keith, and had issue. Their daughter, Janet Keith, married Sir Thomas Erskine, ancestor of the EARLS OF MAR. He granted a charter to Gillespie Campbell of Lochaw, in 1353, of his lands of Knapdale. He married a lady named Catherine, mentioned as deceased in a grant to the Monastery of Kilwinning in 1357. He had, in 1359, a regrant from King David the Second of the lands of Stragartney, which had belonged to his deceased father and to Lady Elene of Mar. He died apparently *s. p.*

SIR ALEXANDER, who carried on the line of Rusky. He had issue one son.

ROBERT MENTEITH, LORD OF RUSKY, who married, in 1392, Margaret, daughter of Duncan, eighth Earl of Lennox, and had issue one son.

MURDACH MENTEITH of Rusky, who married Christian, daughter of Sir David Murray of Tullibardine, and had issue.

III.—JOHN MENTEITH, who was sheriff of Clackmannan in 1352, and married, as her second husband, Marjory Stirling, daughter and heiress of John Stirling of Carse. They had a charter of the lands of Carse and others in 1357. He deceased before October 1382. They had issue.

WALTER, who was killed by the Drummonds before 1360, leaving issue.

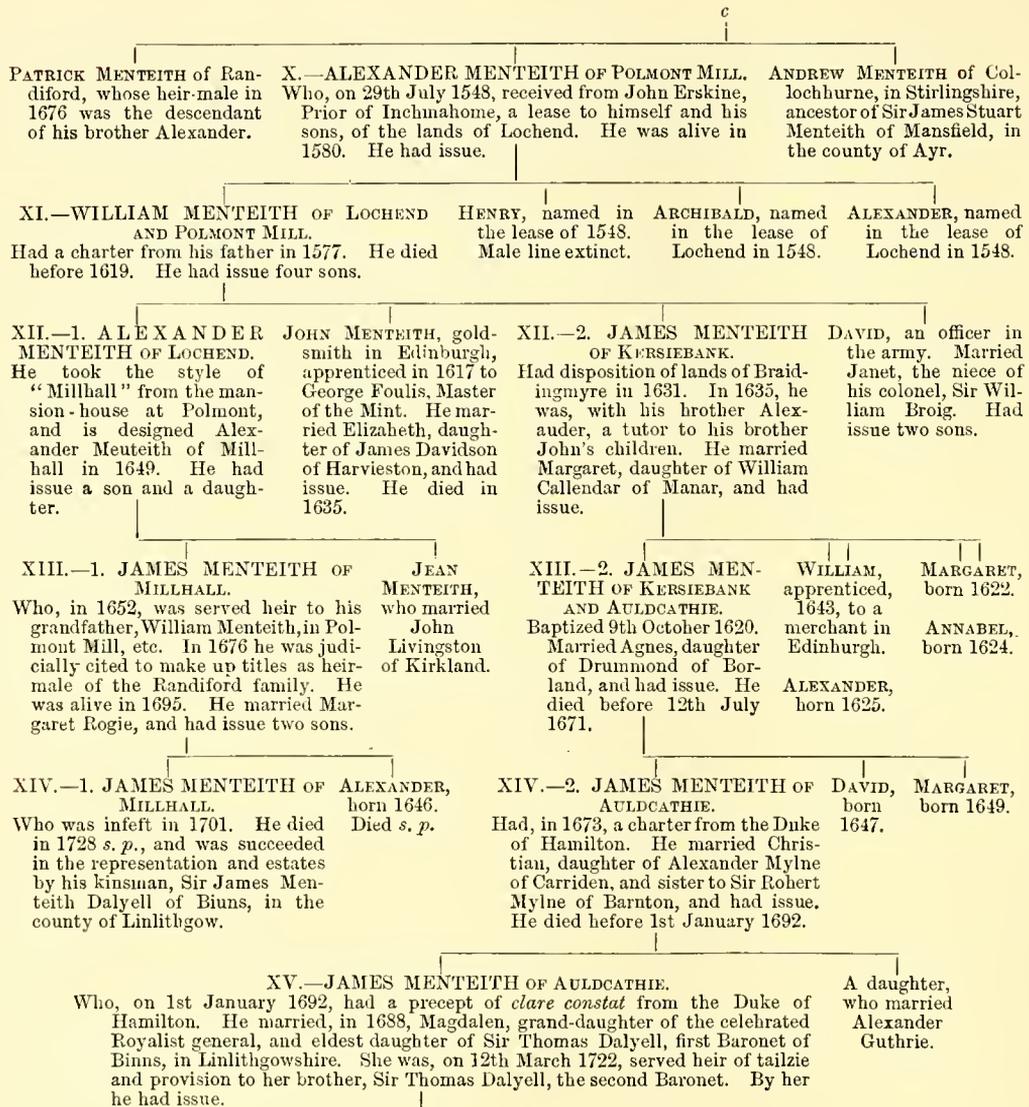
MALCOLM, who was killed by the Drummonds before 1360.

WILLIAM, who was killed by the Drummonds before 1360.

A daughter, married Maurice Buchanan of that ilk, and had issue a son, Walter, named in the agreement in 1360.

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XVI.--JAMES MENTEITH.

Born in 1691. He succeeded to his uncle's title, on the latter's decease in 1719, and became SIR JAMES MENTEITH DALYELL, THIRD BARONET OF BINNS. He was also, in 1728, served heir-male and of line, general and special, in certain lands of James Menteith of Millhall, and thus was representative of the family of Millhall and Randifurd. He held a commission in Cadogan's regiment. He died on 28th February 1747. By his wife, Helen, daughter of Robert Campbell of Nether Place, and who survived him, dying in 1774, he had—

THOMAS, who settled in Virginia, married, and had issue.

ALEXANDER. WALTER. JOHN. WILLIAM.

CATHERINE, who married James Stirling of Craigharriet, and had issue.

CHRISTIAN, married Robert Graham.

JEAN, married Alexander Farquharson of Aboyne.

XVII.—SIR ROBERT DALYELL, FOURTH BARONET OF BINNS.

Who, during his earlier years, served in the army on the Continent. He died in 1791. He married Elizabeth, daughter of Nicol Graham of Gartmore, and had issue.

JAMES DALYELL, a captain in the army, killed in 1763, in an engagement near Fort Detroit in America. *s. p.*

THOMAS, in the navy. Died in India, 1765, *s. p.*

MAGDALEN, married Robert Stewart of Bluny, and had issue.

XVIII.—1. SIR JAMES DALYELL, FIFTH BARONET OF BINNS.

Who entered the army, and served in Flanders. He died unmarried in February 1841, and was succeeded by his brother.

XVIII.—2. SIR JOHN GRAHAM DALYELL.

Who became SIXTH BARONET. He was the author of several works on Natural History, etc., Vice-President of the Society of Scottish Antiquaries, etc. He died 7th June 1851, and died unmarried, and was succeeded by his brother Sir William.

ROBERT, who entered the army, became a Major-General, and died unmarried, 24th April 1848.

XVIII.—3. SIR WILLIAM CUNNINGHAM-CAVENDISH.

Born 27th April 1784, who succeeded his brother Sir John as SEVENTH BARONET OF BINNS. He was a distinguished officer in the navy. He died 16th February 1865. He married, in 1820, Maria, daughter of Anthony Teixeira-Sampayo of Peterborough House, and had issue.

HARRIET, married James Wilkie of Foulden. Died in 1853. She had issue John, who married, in 1865, Eleanor, daughter of Thomas Bruce of Arnot, and had issue.

MARGARET, HELEN, AGNES, ANNE, and ELIZABETH, who all died unmarried.

XIX.—SIR ROBERT-ALEXANDER-OSBORNE DALYELL, EIGHTH AND PRESENT BARONET OF BINNS.

Born 23d November 1821. M.A. of Trinity College, Cambridge, Barrister-at-Law, a Deputy-Lieutenant for Linlithgowshire.

OSBORNE-WILLIAM, born 1834, Commander R.N., severely wounded before Sebastopol. Died 22d December 1862, *s. p.*

MARIA-CHRISTINA, married, in 1855, Lieut.-Col. Charles Taylor Du Plat, equerry to the Queen. She died on 7th April 1867, *s. p.*

ELIZABETH-GRACE, married, 11th April 1861, Gustavus Charles Cornwall, Secretary of the Post-Office, Ireland.

PEDIGREE OF THE GRAHAM EARLS OF MENTEITH.

I.—DAVID.

Eldest son of King Robert the Second, by the King's second marriage, was created EARL OF STRATHERN in 1371, and also EARL OF CAITHNESS, and is designed EARL PALATINE OF STRATHERN AND EARL OF CAITHNESS in a charter dated in 1381. He died before 2d March 1400, and left issue one daughter.

II.—EUFAMIA, COUNTESS PALATINE OF STRATHERN.

Who, on 2d March 1400, confirmed a charter granted by her deceased father to Robert Stewart of certain lands in Strathern. She married Sir Patrick Graham, second son of Sir Patrick Graham of Dundaff and Kincardine, who became Earl Palatine of Strathern, and as such granted several charters. He was slain by Sir John Drummond of Concraig on 10th August 1413, leaving by his Countess, who survived him, one son and two daughters.

III.—MALISE GRAHAM, EARL OF STRATHERN AND FIRST EARL OF MENTEITH.

He was divested of the earldom of Strathern by King James the First, who in part compensation, by charter dated 6th September 1427, granted to Malise Graham part of the ancient earldom of Menteith, and created him EARL OF MENTEITH. On 9th November 1427, Earl Malise became one of the hostages for payment of King James's ransom, and remained in England, in the castle of Pontefract, till 1453, when his son Alexander was accepted in his stead. In 1466 he received a charter from King James the Third, erecting Port in Menteith into a burgh of barony. He died before 17th May 1491, and was succeeded by his grandson. Marion was the Christian name of his Countess, who survived him, and married John of Drummond. The Earl of Menteith left issue.

LADY EUFAMIA, who married, first, Archibald, fifth Earl of Douglas, second Duke of Tonrairie; and secondly, James, first Lord Hamilton, with issue by both husbands.

LADY ELIZABETH, who married Sir John Lyon of Glamis, and had issue.

IV.—ALEXANDER GRAHAM.

Who took his father's place as a hostage in England in 1453. He was confined in the castle of Pontefract. He predeceased his father, dying before 1469, *s. p.*

JOHN, called John the Graham, as son and heir of Earl Malise, received, on 7th April 1469, a charter of the lands of Kilbride. He died before 19th October 1478. He married Margaret Mnschet, and had issue a daughter, who was contracted to Malcolm Drummond.

PATRICK, who was infeft by his father Malise, on 19th October 1478, as the Earl's son and heir, in the lands of Craig-wchty and Anchmar. He seems to have predeceased his father. He married Isabel, daughter of Thomas, Lord Erskine, and had issue.

JOHN, who, with his brother Walter, is designed in 1494, while yet under age, as son to the late Earl Malise. He received a charter from his father in 1485.

WALTER, who received from his father in 1485 certain lands. In 1494 he had from his nephew a charter of the lauds of Kilbride, and in 1510, lands of equal value. He died before 26th February 1525. By his wife, Marjory Campbell, he had issue, from whom descended the Grahams of Boquahple.

LADY EUPHAME, who married Sir William Stewart of Dal-swinton.

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V.—ALEXANDER GRAHAM, SECOND EARL OF MENTEITH. Who was, on 6th May 1493, served heir to his grandfather in the earldom of Menteith. On 27th May 1501 he joined with the Earl of Athole and other nobles in a bond to King James the Fourth, for the suppression of crime within their territories. On 20th November 1503, he and James, Earl of Arran, entered into a bond for mutual defence. He died about 1535. By his wife, Margaret, daughter of Walter Buchanan of that ilk, he left two sons.

HENRY GRAHAM, who received from his brother, Earl Alexander, on 16th October 1510, a charter of the lands of Auchmore, and is therein designed as the Earl's "only brother-german." This charter was further ratified by the Earl in 1534.

VI.—WILLIAM GRAHAM, THIRD EARL OF MENTEITH. Who granted, on 14th May 1539, a precept for infefting the Earl of Arran in the lands of Elastoun. He died before 7th April 1544. By his wife, Margaret, daughter of John Moubray of Barnbroug, he left issue.

WALTER, the reputed ancestor of the Grahams of Gartur, whose last male representative deceased in 1818.

LADY MARION, who married Robert Buchanan of Leny, and had issue.

VII.—JOHN GRAHAM, FOURTH EARL OF MENTEITH. Was one of the prisoners taken at the rout of Solway in 1542, and was ransomed for 200 merks. On 7th April 1544 he granted a procuratory for serving himself heir to his deceased father. He sat in Parliament from 1545 to 1560, and took part in public affairs. He accompanied Queen Mary to France in 1550. In 1554 he received a commission of justiciary within the bounds of the stewartry and earldom of Menteith. He died in 1564. He married Marion, daughter of George, fourth Lord Seton, who survived him; and she married, secondly, John, tenth Earl of Sutherland. By her he had issue.

ANDREW, who received a charter of the lands of Boquhale from his brother John in 1547. He died same year, *s. p.*

GILBERT. He was, in 1568, included in a charter of the lands of Gartmore to his brother Robert, and his son William succeeded to his uncle by virtue thereof. His descendants possessed the lands till 1644, when they were sold to William Graham of Polder, afterwards Sir William Graham of Gartmore.

LADY MARGARET, married, as his second wife, on 21st May 1541, Archibald, fourth Earl of Argyll, and had issue.

ROBERT, who married Elizabeth Erskine. He received, in 1554, a charter of the lands of Gartmore. He died in May 1572, *s. p.*

WALTER, who was, in 1548, infeft in the lands of Gartavertane.

VIII.—WILLIAM GRAHAM, FIFTH EARL OF MENTEITH. Who sat in Parliament in 1567, and was one of those appointed in that year by Queen Mary to receive resignation of the crown, and to invest the young King. He was, in 1578, appointed an extraordinary member of the King's Council. He died in 1579. He married (contract dated 16th May 1571), Margaret, widow of Edward, Lord Crichton, of Sanquhar, daughter of Sir James Douglas of Drumlaurig, by whom he had issue.

GEORGE, designed in 1585, "Tutor of Menteith." He married, and had issue two sons, the elder of whom, James, had charters of Easter Rednoch in 1584 and 1598.

LADY MARY, married, before 1561, John Buchanan of Buchanan.

LADY CHRISTIAN, married, before 1553, Sir William Livingston of Kilsyth.

IX.—JOHN GRAHAM, SIXTH EARL OF MENTEITH. Who was, by a dispensation from the Crown, served heir to his father on the 21st October 1587. On 6th March 1597 he entered into a mutual bond of friendship and support with Malcolm M'Farlan of Gartavertane. He died in December 1598. By his wife, Mary, third daughter of Sir Colin Campbell of Glenurchy, to whom he was contracted on 22d October 1587, he had issue.

GEORGE GRAHAM, designed George Graham in Dornance. He married Grisel, daughter of Henry Stirling of Ardoch, and had issue. He died before 23d June 1619.

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X.—WILLIAM GRAHAM, SEVENTH EARL OF MENTEITH.

Who was born *circa* 1591. On 7th August 1610 he was served heir to his father in the earldom of Menteith. By his talents he attracted notice at Court, and rose rapidly in favour with King Charles the First. In August 1628 he was appointed Lord Justice-General of Scotland, and a few months later President of the Privy Council. In 1621 he received from King James Sixth a commission of justiciary within his own earldom. In 1622 he received from Adam, Bishop of Dunblane, a resignation of the patronage of the church of Aberfoyle. On 25th May 1630 he was served heir of David, Earl of Strathern, and thereafter renounced his title to the earldom of Strathern. On 31st July 1631 he received from King Charles First a patent ratifying to him the title of Earl of Strathern, giving to him and his heirs-male and of tailzie the style of Earls of Strathern and Menteith. He was, however, shortly after this divested of the title of Strathern, and created Earl of Airth in 1633. In 1644 he received a new investiture of the lands of Menteith to himself in liferent, and to the heirs-male of his son, John, Lord Kilpont. The Earl of Airth and Menteith died between January 1661 and 14th July 1662. He married, in 1611, Agnes, daughter of Patrick, Lord Gray, and by her had issue.

LADY CHRISTIAN,
married Sir John
Blackader of
Tulliallan, and
had issue.

XI.—JOHN GRAHAM, LORD
KILPONT.

Who took the King's side in the disputes with the Covenanting party. He joined the Marquis of Montrose, with 400 men, shortly before the victory of the Royalist army at Tippermuir, 1st September 1644. A few days afterwards he was killed by James Stewart of Ardvourlich. He married, in April 1632, Lady Mary Keith, eldest daughter of William, sixth Earl Marischal, and had issue one son and three daughters.

SIR JAMES GRAHAM, who married, first, Lady Margaret Erskine, second daughter of James, sixth Earl of Buchan. Issue, one daughter, Marion Graham, who was served heir to her mother in certain lands on 26th January 1669. She married Walter Graham of Gartur, and had issue. His second wife was Isabella. By her he had one daughter, Helen Graham, who married Captain Rawdon, nephew and heir to the Earl of Conway.

LADY MARY, who
married Sir John
Campbell of Glen-
urchy, and had
issue.

LADY MARGARET,
who married, in
1633, Alexander,
Lord Garlies, and
had issue.

CHARLES, died *s. p.*

ARCHIBALD, who was living in 1681. He married Janet Johnston, and had issue one son, who died young, *s. p.*

LADY ANNE, who
married Sir Mungo
Murray of Blebo.

XII.—WILLIAM GRAHAM, SECOND
EARL OF AIRTH AND MENTEITH.

Who succeeded his grandfather in 1661. He sat in Parliament as Earl of Airth till 1693, when, after the abdication of the royal line of Stewart, he resumed the title of Menteith. He died, without issue, 12th September 1694, and was interred in the family burying-ground at Inchmahome. He was twice married; first to Anne Hewes, and secondly to Catherine, second daughter of Thomas Bruce of Blairhall, in Stirlingshire. Died *s. p.*

LADY MARY, who married, 8th October 1662, Sir John Allardice of Allardice, who died in 1676. Lady Mary survived till 1720. The present descendant and representative of that marriage is Mrs. Margaret Barclay Allardice, only surviving lawful child of the late Robert Barclay Allardice of Ury and Allardice.

LADY ELIZABETH, who married, 19th December 1663, Sir William Graham of Gartmore, and had issue. Her descendants are now extinct. The "Beggan Earl" claimed the Menteith title as a descendant of Lady Elizabeth.

LADY CATHARINE, who married a person named Sellick, and had issue Alice and Elizabeth Sellick, both of whom were living in London in 1717, and the former survived till 1733.

PEDIGREE OF THE DRUMMONDS OF BLAIR-DRUMMOND.

I.—SIR WALTER DRUMMOND, LORD OF CARGILL AND STOBHALL.

Who lived in the reigns of King James the First and King James the Second, and was knighted by the latter. He succeeded 1428, died about 1445, and left issue by his wife, Margaret Ruthven, daughter of Sir William Ruthven of that Ilk, three sons.

SIR MALCOLM DRUMMOND, who carried on the main line, died 1470, and was ancestor of the Earls of Perth.

SIR JOHN DRUMMOND, Dean of Dunblane.

II.—WALTER DRUMMOND.

Who, in 1486, received from his grand-nephew, John, first Lord Drummond, a charter of the lands of Ledcrieff, and was thereafter designed of Ledcrieff. Living 1508. He had issue two sons.

III.—JOHN DRUMMOND, SECOND OF FLASKHILL AND LEDCRIEFF. Who, with his brother James, was a bailie-depute to his uncle, Sir Malcolm Drummond of Cargill, in 1447. He had issue.

JAMES DRUMMOND, who, with his brother John, was a bailie-depute to his uncle Sir Malcolm in 1447.

IV.—GEORGE DRUMMOND, THIRD OF FLASKHILL AND LEDCRIEFF.

He and his second son William were killed by William Chalmer of Drumlochy and an armed party, near the kirk of Blair, on Sunday, the 3d June 1554, as they were "playand at the rowbowlis in the hie marcate gait," near the said church. The marauders were afterwards compelled to make submission, and to give manrents, etc., to David, Lord Drummond. His wife was Janet Haliburton of Buttergask, by whom he had issue.

V.—GEORGE DRUMMOND OF BLAIR, FOURTH OF FLASKHILL AND LEDCRIEFF. Sold Ledcrieff and bought Newton of Blair, in the Stormont (Blairgowrie), 1560, from Patrick, Bishop of Moray and Commendator of Scone. He was a Sheriff-depute of the county of Perth to John, Earl of Athole, in 1566, and a curator to John, fifth Earl, in 1581. He died 4th January 1594. By his wife, Catherine Hay of Megginch, who survived him and was alive in 1613, he left issue five sons and four daughters.

WILLIAM DRUMMOND, slain with his father, 3d June 1554.

JANET, married George Rattray of Craighall.

JOHN, who died young, s. p.

VI.—GEORGE DRUMMOND, SECOND OF BLAIR. Who succeeded his father. He died 11th August 1596. His wife was Giles, daughter of William Abercrombie of that Ilk. He left issue, two sons and one daughter.

JOHN, who died young.

HENRY, a soldier, fought at Leith, in 1559, in favour of Queen Mary.

MR. ANDREW, minister of Panbride, A.M. of St. Andrews 1590, died 1635, had issue four sons. Ancestor of the Drummonds of Gairdrum.

JAMES, ancestor of the Drummonds of Boghall and Fordew. *Vide* page 470.

SYBILLA, married — Tyrie of Drunkilboe.

ELIZABETH.

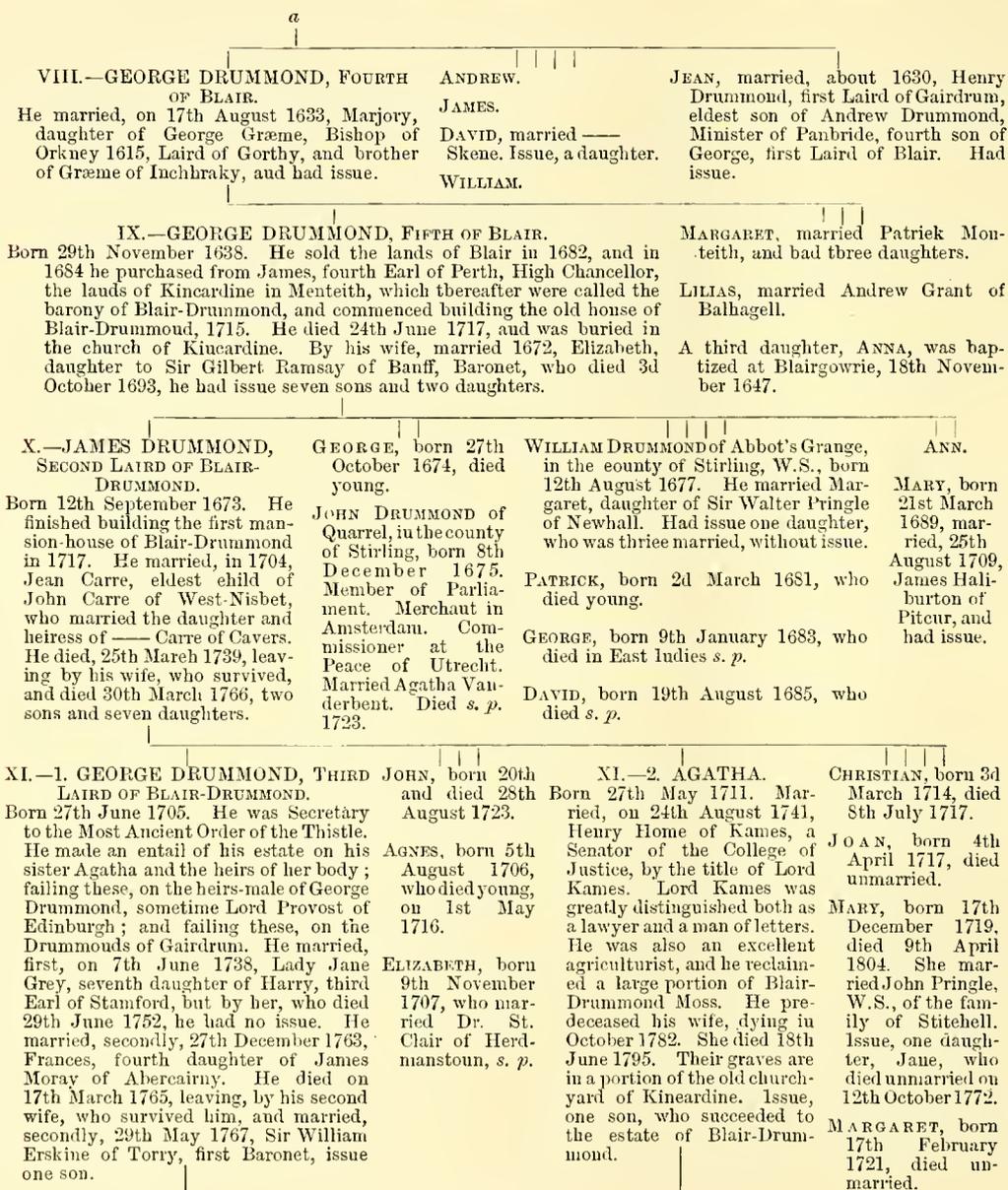
CATHERINE.

JANET.

VII.—JOHN DRUMMOND, THIRD OF BLAIR. Who succeeded. He married Agnes, daughter to Sir David Herring of Lethindie and Glasclune. He died, 2d May 1620, leaving issue five sons and one daughter.

GEORGE DRUMMOND, married Grizel Cargill, daughter of Daniel Cargill of Haltown. Issue, two sons, Daniel and Patrick.

JEAN, married Mr. Thomas Murray, Provost of Eton, and Tutor to Prince Charles, afterward King Charles the First. Had issue.



b

c

XII.—1. JAMES DRUMMOND, FOURTH OF BLAIR-DRUMMOND.

Who survived his father only a year and about two months, having died 23d May 1766, in his infancy. He was succeeded, according to the entail, by his aunt, Agatha Drummond, wife of Lord Kames.

XII.—2. GEORGE HOME-DRUMMOND, SIXTH OF BLAIR-DRUMMOND.

Born 5th November 1743. On the 11th October 1782, he married Janet, only surviving daughter of the Rev. John Jardine, D.D., a cadet of the family of Applegirth, and his wife Jean, eldest daughter of George Drummond, Lord Provost of Edinburgh. He died 28th October 1819, leaving issue by his wife, who survived, and died 30th January 1840, two sons and one daughter.

XIII.—HENRY HOME-DRUMMOND, SEVENTH OF BLAIR-DRUMMOND.

Born 28th July 1783. Admitted an Advocate in 1808. Member of Parliament for Stirlingshire in 1821 and 1826, and for Perthshire from 1840 to 1852. He died on 12th September 1867. He married, on 14th April 1812, Christian Moray, elder daughter of Colonel Charles Moray of Abercairny (she succeeded her brother, William Moray Stirling, in the estates of Abercairny and Ardoch, 9th November 1850), and by her, who died 29th November 1864, had issue two sons and one daughter.

JOHN-GEORGE HOME-DRUMMOND, of Abbot's Grange and Millearne, born 15th January 1797. He married, on 7th January 1837, Mary Bothwell, daughter of Andrew Drummond of Rudgeway, a descendant of James Drummond, youngest son of George Drummond of Blair, No. V. *supra*, and died at Millearne 5th February 1848, *s. p.* His wife died 12th March 1845.

AGATHA HOME-DRUMMOND, born 9th January 1792, died unmarried 6th June 1869.

XIV.—1. GEORGE STIRLING HOME-DRUMMOND, EIGHTH OF BLAIR-DRUMMOND.

Born 1st March 1813. He resided for some years at Ardoch in Perthshire, to which estate he succeeded on the death of his mother, Christian Stirling Home-Drummond Moray, in 1864. In 1867 he succeeded to Blair-Drummond. He was twice married; first, on 11th August 1840, to Mary, eldest daughter of William Hay of Drumelzier and Duns Castle, who died 4th April 1855; secondly, 7th May 1863, to Kalitza-Janet-Erskine-Christian, eldest daughter of Robert Hay of Linplum, now his widow. He succeeded his aunt, Agatha Home-Drummond, 6th June 1869, in Millearne, Perthshire, and Abbot's Grange, Stirlingshire. He died on 3d June 1876, and having no issue, was succeeded by his brother.

XIV.—2. CHARLES STIRLING HOME-DRUMMOND-MORAY, NINTH OF BLAIR-DRUMMOND.

Born 17th April 1816. Was formerly in the 15th Hussars and 2d Life-Guards; inherited his mother's estate of Abercairny. Succeeded, on his brother's decease on 3d June 1876, to the estates of Blair-Drummond, Ardoch, etc. He married, in 1845, the Lady Anne Georgina Douglas, youngest daughter of Charles, fifth Marquis of Queensberry, K.T. Issue, two sons and one daughter.

ANNE HOME-DRUMMOND, born 17th June 1814, married, on 29th October 1839, George, second Lord Glenlyon, who succeeded his uncle as sixth Duke of Athole in 1846, and died 16th January 1864, leaving issue one son, JOHN JAMES HUGH HENRY STEWART MURRAY, the PRESENT and SEVENTH DUKE OF ATHOLE, K.T.

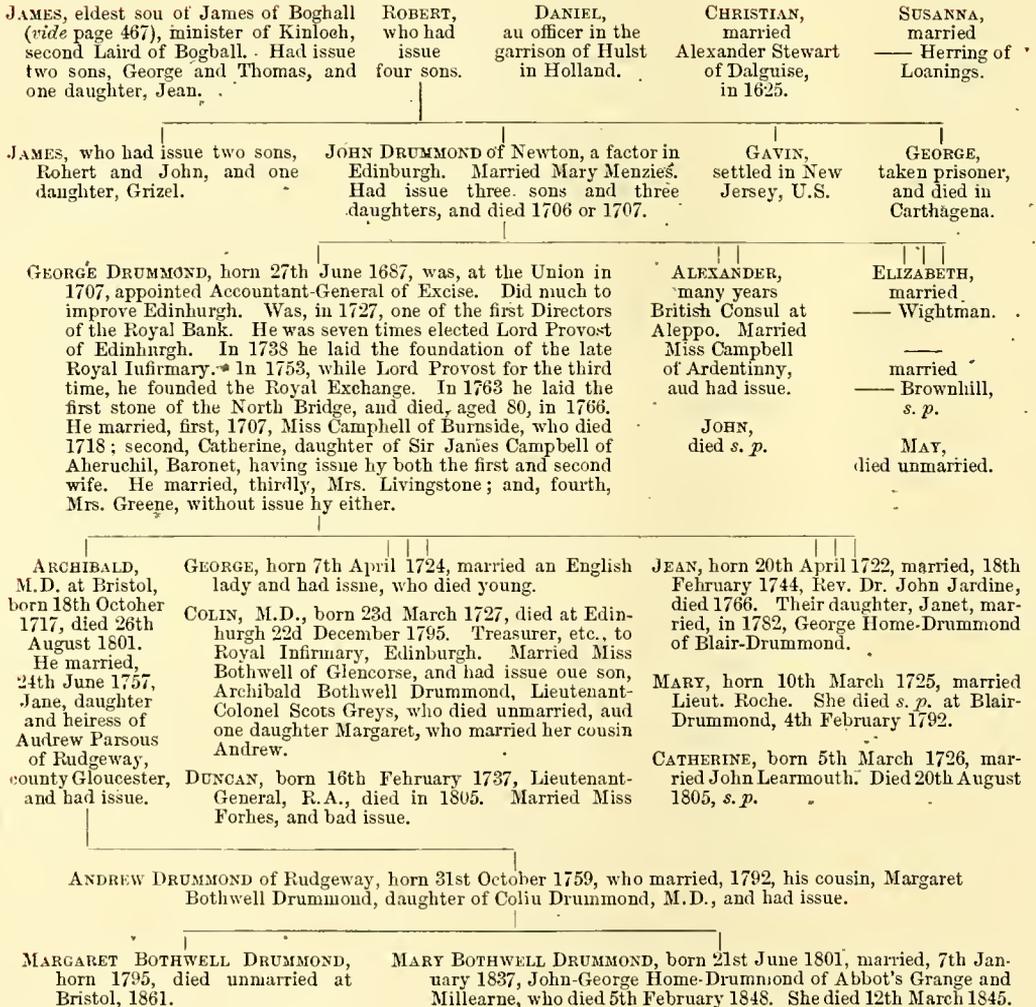
XV.—HENRY EDWARD STIRLING HOME-DRUMMOND-MORAY, YOUNGER OF BLAIR-DRUMMOND AND ARDOCH.

Born 15th September 1846. Colonel in the army. Was Member of Parliament for the county of Perth from 1877 till 1880. Married, on 23d January 1877, Lady Georgina Emily Lucy Seymour, fourth daughter of George, fifth Marquis of Hertford.

WILLIAM AUGUSTUS HOME-DRUMMOND MORAY, born 12th April 1852, younger of Abercairny.

CAROLINE FRANCES, born 8th March 1849.

PEDIGREE OF THE DRUMMONDS OF BOGHALL AND FORDEW,
CADETS OF BLAIR-DRUMMOND.

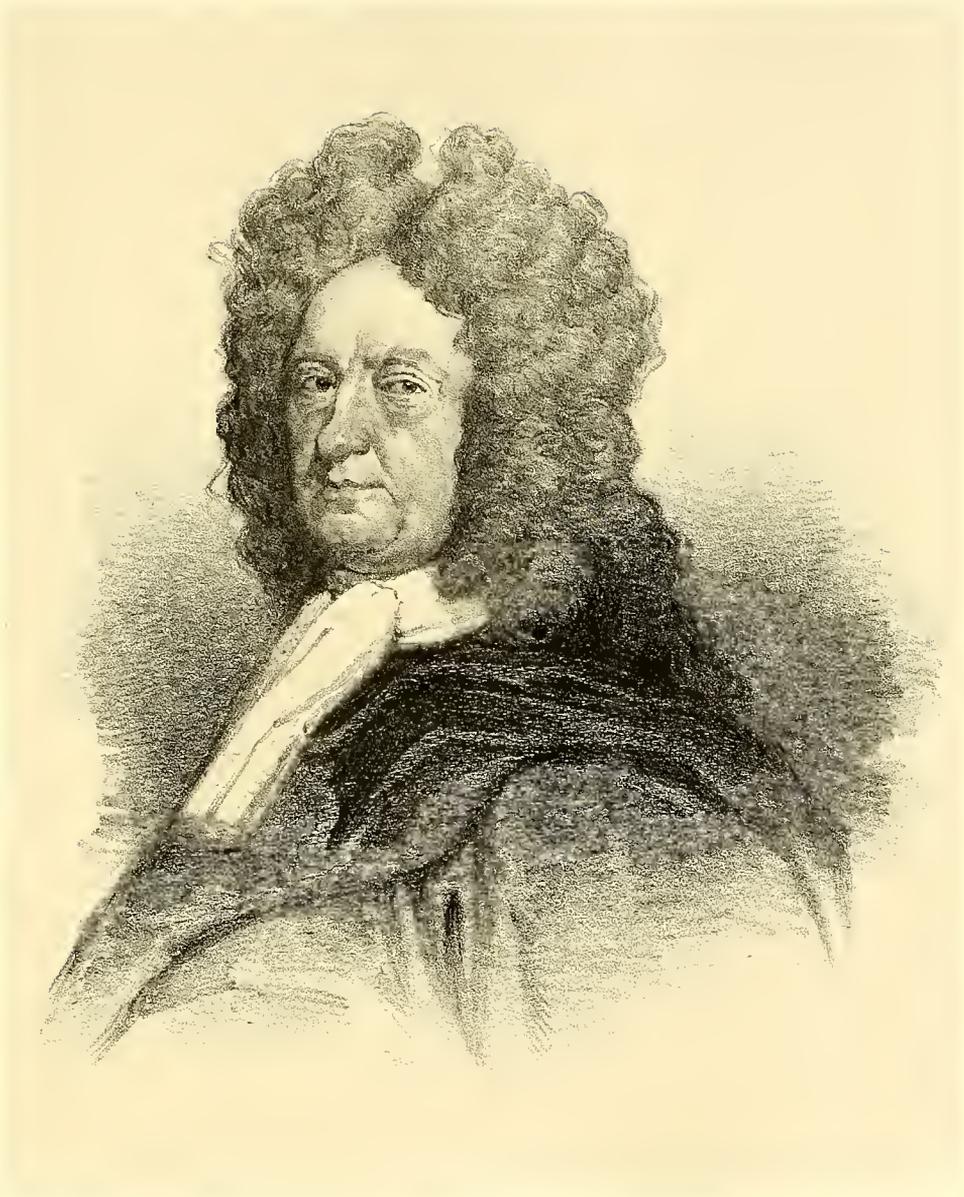




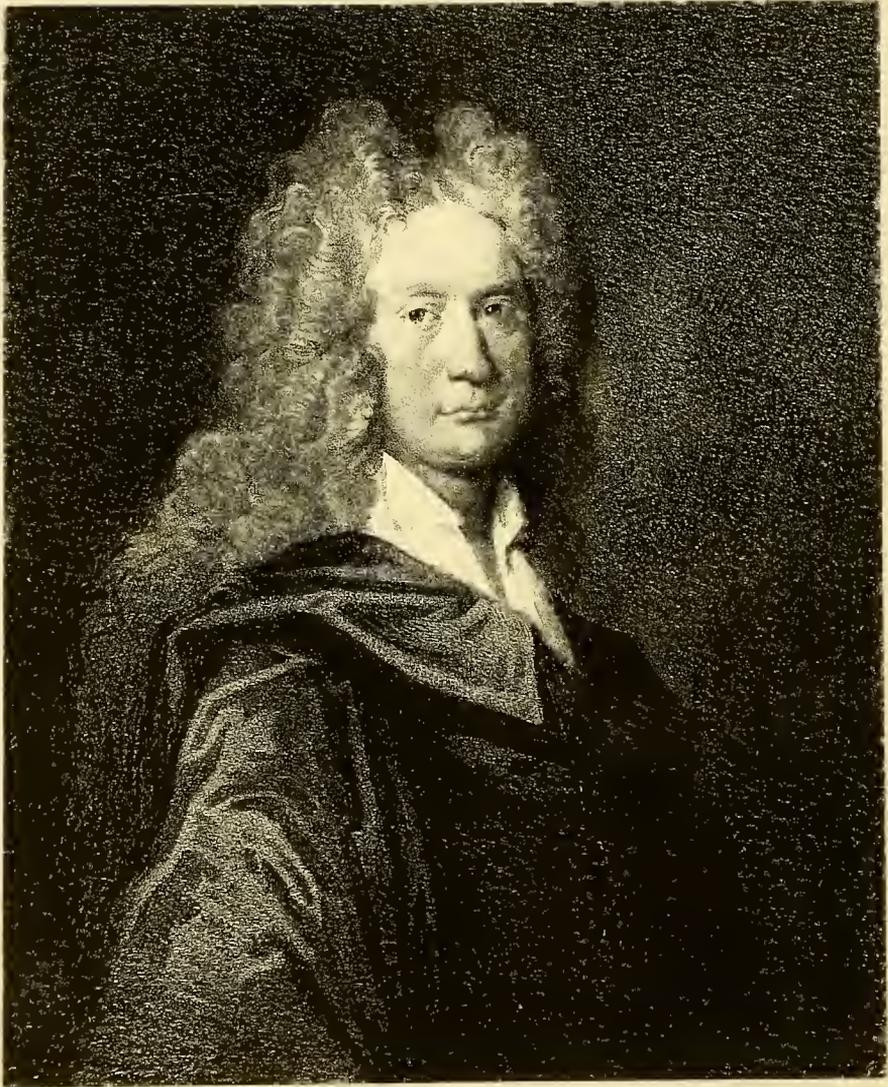
SIR PATRICK DRUMMOND,
LORD CONSERVATOR OF THE SCOTS PRIVILEGES,
AT CAMPVERE IN 1650.



ANNA MURRAY.
WIFE OF SIR JAMES HALKET OF PITFIRANE,
B. 1622. M. 1656. D. 1699.



GEORGE DRUMMOND.
FIFTH OF BLAIR IN THE STORMONT,
AND FIRST OF BLAIR DRUMMOND IN MENTEITH.
B. 29. NOVEMBER 1638: D. 24. JUNE 1717.



JAMES DRUMMOND,
SECOND OF BLAIR DRUMMOND,
B. 12, SEP. 1673: M. JULY 1712: D. 26, MARCH 1739.



J E A N C A R R E ,
W I F E O F J A M E S D R U M M O N D , S E C O N D O F B L A I R D R U M M O N D ,
D . 3 0 . M A R C H 1 7 6 6 , Æ T . 8 5 .

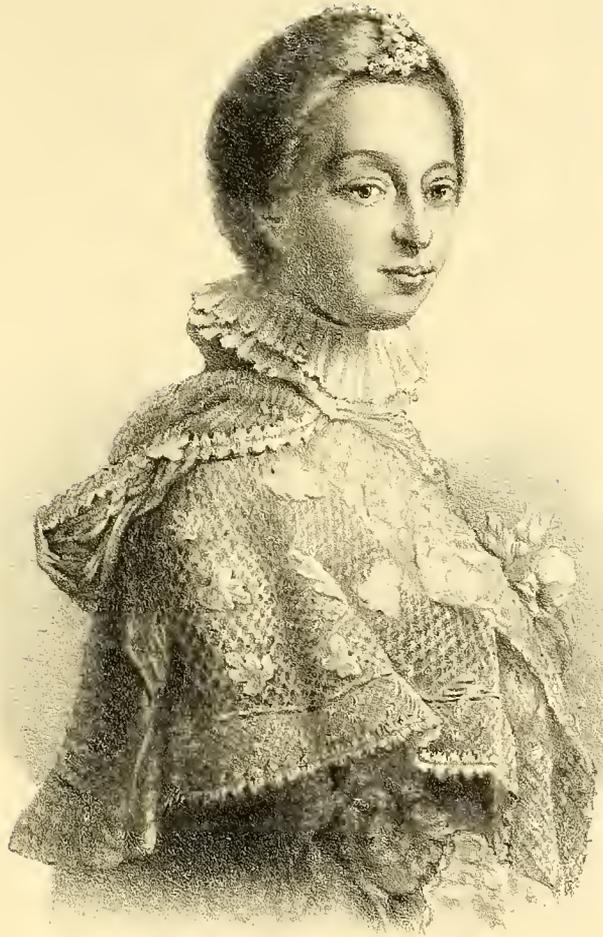


GEORGE DRUMMOND,
THIRD OF BLAIR-DRUMMOND.
SECRETARY TO THE ANCIENT ORDER OF THE THISTLE,
B. 27TH JUNE 1705. D. 17TH MARCH 1765.

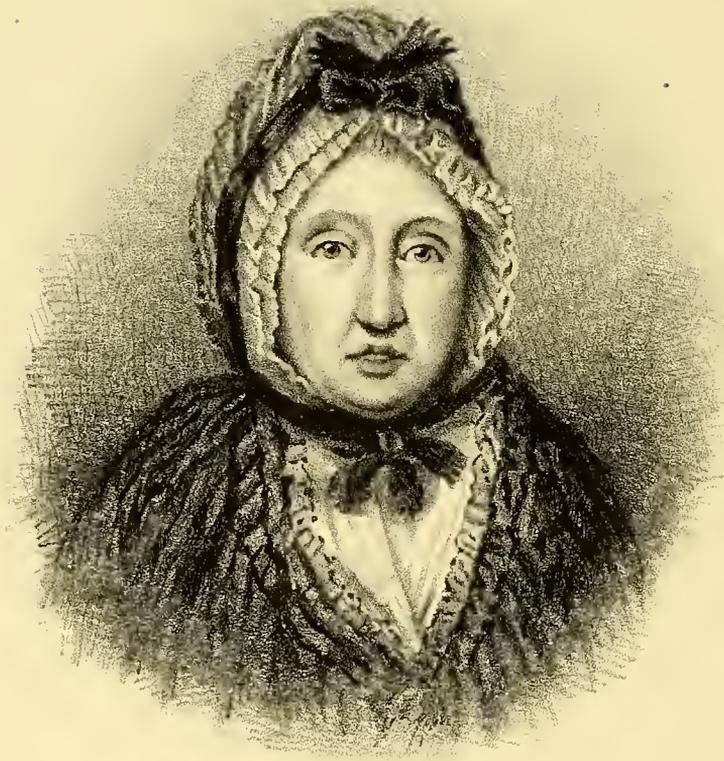


LADY JANE GREY,
FIRST WIFE OF GEORGE DRUMMOND, THIRD OF BLAIR-DRUMMOND.

M. 7TH JUNE 1738. D.S.P. 29TH JUNE 1762.



FRANCES MORAY, OF ABERCAIRNY,
SECOND WIFE OF GEORGE DRUMMOND, THIRD OF BLAIR-DRUMMOND,
M. 27TH DECEMBER 1763.



AGATHA DRUMMOND HEIRESS OF BLAIR DRUMMOND.

B. 27TH MAY 1711. M. 24TH AUGUST 1741,

HENRY HOME: LORD KAMES,

D. 18TH JUNE 1795



HENRY HOME, LORD KAMES,
B. 1696: M. AUGUST 1741.
AGATHA DRUMMOND, HEIRESS OF BLAIR DRUMMOND,
D. 27. DECEMBER 1782.



GEORGE HOME DRUMMOND

SIXTH OF BLAIR DRUMMOND.

B. 1743. M. 1782 JANET JARDINE: D. 1819.



JANET JARDINE,
WIFE OF GEORGE HOME DRUMMOND OF BLAIR DRUMMOND,
B. 1762. M. 1782. D. 1840.



HENRY HOME DRUMMOND, SEVENTH OF BLAIR DRUMMOND,
B. 1783. M. 1812 CHRISTIAN MORAY OF ABERCAIRNY,
DIED 12TH SEPTEMBER 1867.



CHRISTIAN MORAY OF ABERCAIRNY,
B. 1779; M 1812 HENRY HOME DRUMMOND.
DIED 29TH NOVEMBER 1864



GEORGE STIRLING HOME DRUMMOND, OF BLAIR DRUMMOND,

B. 1ST MARCH 1813. M. 1ST AUGUST 11TH 1840.

MARY HAY OF DUNSE, WHO D. S. P. 4TH APRIL 1855,
2ND 7TH MAY 1863 KALITZA J. E. C. HAY OF LINPLUM,

D. S. P. 3RD JUNE 1876.



MARY, ELDEST DAUGHTER OF WILLIAM HAY, OF DRUMELZIER AND DUNSE,
B. 1817. M. 11TH AUGUST, 1840,
GEORGE STIRLING HOME DRUMMOND,
AND DIED S. P. 4TH APRIL, 1855.



KALITZA J. E. C. HAY,
SECOND WIFE OF GEORGE STIRLING HOME DRUMMOND.
B. 1833: M. 7TH MAY 1863.



CHARLES STIRLING HOME DRUMMOND MORAY
OF BLAIR DRUMMOND, AND ABERCAIRNY,
B. 17 APRIL 1816. M. II. DECEMBER 1845,
LADY ANNE GEORGINA DOUGLAS.



LADY ANNE GEORGINA DOUGLAS:
B 26. APRIL 1817. M. 11. DECEMBER 1845,
CHARLES STIRLING HOME DRUMMOND MORAY,
AND
WILLIAM AUGUSTUS HOME DRUMMOND MORAY,
THEIR SECOND SON.





HENRY EDWARD STIRLING HOME DRUMMOND MORAY,
CAPT. & LT. COL. SCOTS GUARDS,
ELDEST SON OF CHARLES STIRLING HOME DRUMMOND MORAY,
B. 15TH SEPTEMBER, 1846. — M. 1877.
LADY GEORGINA EMILY LUCY SEYMOUR.



LADY GEORGINA EMILY LUCY SEYMOUR,
FOURTH DAUGHTER OF FRANCIS GEORGE HUGH, FIFTH MARQUIS OF HERTFORD,
B. 12TH DECEMBER, 1848. — M. 23RD JANUARY, 1877.
HENRY EDWARD STIRLING HOME DRUMMOND MORAY.



ANNE, ONLY DAUGHTER OF HENRY HOME DRUMMOND.
SEVENTH OF BLAIR-DRUMMOND, B 17TH JUNE, 1814. M. 29TH OCTOBER. 1839.
GEORGE A. F. J. SECOND BARON GLENLYON, WHO SUCCEEDED HIS UNCLE AS
SIXTH DUKE OF ATHOLE IN 1846, AND DIED 16TH JANUARY, 1864.

Castles and Residences of the Earls of Menteith.

DOUNE CASTLE.

THROUGHOUT the extensive territories of Menteith, the Earls had several castles and residences, both on the mainland and on islands in the lochs of Menteith. Foremost among the castles was the famous Castle of Doune,¹ which, even in its long-continued state of ruin, is yet a very striking and imposing structure. It presents a venerable aspect, and is very conspicuous in the surrounding country. This "prodigious stronghold," as it has been called, has wonderfully resisted the injuries of time, and though dismantled of its roof and many of its principal features, there is still a grandeur about the "banner'd towers" which cannot fail to command admiration. Doune was the principal castle or messuage of the earldom of Menteith, and dominated the district comprehended in the ancient earldom. It is situated about eight miles to the north-west of Stirling, four miles west of the ancient episcopal city of Dunblane, and in the immediate neighbourhood to the south-east of the new town of Doune.

Sir Walter Scott was an ardent admirer of this noble ruin. He had frequent opportunities of seeing it on his visits to his friends the Buchanans of Cambusmore, and the Edmonstones of Newton, both on the Teith. Such a picturesque ruin could not escape notice in the "Lady of the Lake," where the author makes the Knight of Snowdown sleep at Doune Castle on the night previous to the chase. The poet also makes his favourite river

¹ Doune, in Gaelic "Dun," signifies mound. noch and Strathspey, is similar to the Doune
The Doune of Rothiemurchus, between Bade- of Menteith.

Teith and Doune Castle figure in his description of the chase in the following beautiful lines:—

“ Along thy banks, swift Teith ! they ride,
 And in the race they mock thy tide ;
 Torry and Lendrick now are past,
 And Deanstoun lies behind them cast ;
 They rise, the banner'd towers of Doune,
 They sink in distant woodland soon ;
 Blair-Drummond sees the hoof strike fire,
 They sweep like breeze through Ochtertyre ;
 They mark, just glance and disappear
 The lofty brow of ancient Keir ;
 They bathe their coursers' sweltering sides
 Dark Forth ! amid thy sluggish tides.”

In “Waverley,” also, Sir Walter makes Doune Castle figure as a fortress, with a janitor and a governor, Donald Stewart, lieutenant-colonel in the service of His Royal Highness Prince Charles Edward. Doune being for some time the only important castle which the Jacobite army held in Scotland, it was allowable for them to make the most of it.

In the notes and explanations of “Waverley,” Sir Walter Scott thus describes the Castle of Doune:—“ This noble ruin is dear to my recollection, from associations which have been long and painfully broken. It holds a commanding station on the banks of the river Teith, and has been one of the largest castles in Scotland. Murdach, Duke of Albany, the founder of the stately pile, was beheaded on the Castle-hill of Stirling, from which he might see the towers of Doune, the monument of his fallen greatness.”¹

The site of the castle is an elevated peninsula, near the junction of the

¹ It will be shown in the sequel that it was and not his son Murdach, as stated by Sir Robert, Duke of Albany, who built Doune, Walter.



DOUNE CASTLE IN MENTEITH.

water of Ardoch with the river Teith. It is bounded on the east by the Ardoch, and on the south and west by the Teith, while a dry ditch extending between the Teith and the Ardoch separates the castle from the land on the north side. The features of the situation accord with those of other early forts in Scotland, which are frequently upon an eminence near a river, or at the junction of two rivers, or, if in proximity to the sea, on a precipice or promontory, or other situation of natural strength.

The castle buildings form a large quadrangle. The hall and domestic apartments occupy the entire front or north side, and about half the extent of the west side. The remainder is occupied by a strong wall thirty-eight feet high and seven feet thick, enclosing an inner court averaging about a hundred and five feet square. Upon the outside there is a base court round the entire building, enclosed by a wall, with bastions at the corners, the foundation of which still remains. The wall, which ranged from eight to ten feet in height, was finished with embrasures, and was built close to the top of the inner slope of the dry ditch to prevent an attacking party obtaining a footing. The base court was occasionally used as encamping ground when the retainers were assembled. The dry ditches were usually made so narrow in the bottom as not to admit of an attacking party forming, and the slopes so steep as to prevent a footing being obtained, thus exposing assailants in broken order to the missiles of the defenders.

The walls of the castle are built in good rubble masonry of considerable thickness. They are constructed of brown sandstone found in the vicinity, with light coloured corners, and dressings to the doors and windows, copes, and fireplaces, supposed to be brought from Causewayhead and Ballangeich quarries. The slates are supposed to have been brought from Ardoch, and the red ridge stone from Kippen. The corners and other dressings, with the copings and mouldings of the fireplaces, are polished.

There is little or almost no attempt at decoration, heraldic or otherwise, upon the buildings. They appear to have been designed for their respective purposes, with sufficient strength for security and resistance, yet with a broad, massive, and imposing effect and strong French character, as shown in castles in that country known to have been built in the thirteenth century.

The buildings have been erected at different dates, but ultimately adapted to embrace one general arrangement. They were defective in bedroom and servants' accommodation. In the year 1581, when it was proposed to lodge the young King James the Sixth in Doune Castle, it was reported that there was a want of beds and other requisites. Temporary buildings appear to have been erected on a large portion of the court-yard, where the foundations can still be traced.

The oldest portion of the masonry is obviously the remains of a peel, tower, or keep, which had originally formed the Castle of Doune, and which had been erected upon the highest part of the mound as near as possible to the steep bank of the Teith, to obtain the advantage of it as a natural means of defence. That portion of the castle was probably erected in the thirteenth century, either by Walter Comyn or Walter Stewart, who were successively Earls of Menteith. The latter Earl was acquainted with the mechanical arts, having, as stated in his Memoir, in 1263, directed the building of several vessels in the port of Ayr for King Alexander the Third.

The style of the architecture accords with other specimens of the fifteenth century, and shows that a general plan had been arranged, commencing with the erection of the large entrance tower, followed by the court wall, large dining-hall, and the adapting of the old keep.

The access to the castle, in accordance with the usual method of the period, is not directly opposite to the entrance, so as to operate as a check

upon an attacking party. The castle is divided into two distinct departments, the judicial and the residential, the judicial comprising the guard-room, prison, court-room or baron's hall, with the strong-room entering from it, and situated immediately over the inner prison; the residential portion embraces the whole remaining apartments. The only communication between the two departments is the door leading from the great hall to the baron's hall, and another from the north-east corner of the latter to the small stair which gives access to the upper apartments.

On approaching the entrance-gate, we find that provision for security had been made by the usual appliances;—the check-chain, portecullis, and iron-grated gate, with strong sliding-bar and bolts, and also an inner gate towards the court-yard. On the right is the guard-room, with a portion partitioned off by a strong wall, known as the "rogue's hole," secured by a strong door. Two openings are formed in the stone wall, one for inspection, and the other near the fireplace for admitting heat. This has evidently been used as a place for temporary imprisonment. Upon the left of the entrance is the prison, comprising three vaulted cells, two of them with lights opposite the guard-room, the inner one being entirely dark. The entrance is by a low door towards the court-yard.

The court-room, or baron's hall, is a spacious vaulted apartment, immediately over the prison and guard-room. It is forty-three feet long, twenty-six feet wide, and about twenty-three feet high.

Leaving the judicial department of the castle, a short description may be given of the residential portion. The great hall is sixty-seven feet long by twenty-six feet wide, with an open timber roof measuring forty feet to the top. At each end there is an inside stair communicating with the cellars below, and at the north-east corner a spiral stair extends to the roof, communicating with the apartments upon the different floors, without passing

through the baron's hall, to which there is also a door of communication. The great hall in its complete state must have had a very imposing effect.

From the entrance-hall a stair gives access to two bedrooms, and also to Queen Mary's room, upon the second floor and over the kitchen. Upon the same floor, and over the baron's hall, there is a large apartment, known as the dining or family room, forty-three feet long, twenty-seven feet wide, and eighteen feet high.

A tradition recorded by the minister of the parish of Kilmadok or Doune in his account of that parish, traces the origin of the castle to a grandson of Banquo, who was murdered by Macbeth. The worthy minister says that that grandson was Walter Cumyn, who was made first Earl of Menteith by Malcolm Canmore in 1057.¹ That tradition, however, must now be dismissed as being equally fabulous with Banquo himself and his alleged grandson, who are both myths.

Another tradition, also recorded by the same reverend writer, is nearer to the time of the building of the castle, although still erroneous as to the real builder. It assigns the structure to Murdach, Earl of Menteith, the second Duke of Albany. He held the earldom from the death of his father, Robert, the previous Earl, in 1420, till his own death in 1425. But it is impossible that so vast a structure could, at that period, have been reared in such a brief space as five years, unless on some great emergency, which did not occur in the time of Duke Murdach, who, as Earl of Menteith, Earl of Fife, Duke of Albany, and Governor of Scotland, had at his command many other castles, both royal and baronial. When misfortune overtook Duke Murdach and his family, a tradition records that he was apprehended between Doune and Dunblane at a small rivulet, which was therefore called Murdach's Ford, and retains that name to this day.²

¹ Statistical Account of Scotland, 1798, vol. xx. p. 58.

² *Ibid.* p. 60.

Another tradition in Menteith is that Duke Murdach was taken in his island residence in Lochard.¹ Both are erroneous, as Duke Murdach was apprehended and imprisoned, along with a number of other nobles, while attending a meeting of Parliament at Stirling in 1425.

Robert Stewart, Earl of Menteith, and first Duke of Albany, had much more favourable opportunity for building such a castle as Doune than his son Murdach, or, indeed, than any previous Earl of Menteith. Almost all of them lived in troublous times, and none enjoyed the earldom for nearly the length of time that it was possessed by Robert Stewart. Doune was one of that Earl's favourite residences. As Earl of Fife he possessed several other attractive residences, including the Palace of Falkland, the Castle of Leuchars, and others, where he resided from time to time. But the vicinity of the Castle of Doune to the Royal Castle of Stirling induced him to spend much of his time at the former place. The situation of Doune Castle was well fitted for a place of strength and safety. The river Teith was a marked natural boundary between the Highlands and Lowlands. Where the Teith and Forth united, it was said that "the Forth bridles the wild Highlanders." The Earl of Menteith, possessing both the Teith and the Forth separately, as

¹ To show how little reliance can be placed on the traditions recorded in the Original Statistical Accounts of the parishes of Scotland, it may be noticed that at Doune there is another version of Murdach's Ford, which is said to have derived that name from a person of the surname of Murdach having been accidentally drowned there. It may also be noticed that the author of the account of the parish of Kilmadok or Doune,—which is on the whole a good specimen of such accounts,—gravely states that Duke Murdach, his lady, and two sons are entombed in their

family burying-place in a small island in the Lake of Menteith. [Old Statistical Account, vol. xx, p. 61.] In the Memoir of Walter Stewart, Earl of Menteith, and his Countess Mary, it has been shown that the recumbent figures here so erroneously described are those of that Earl and his wife. There is evidence that Duke Murdach and his sons were interred in the Blackfriars' Church at Stirling, near the place of their execution, and where their monuments long stood. [Scotichronicon.]

well as a considerable part when united, and also a castle so commanding as Doune, exercised vast power over the adjacent Highlands and Lowlands. As early as the year 1381, we find that Janet of Menzies made resignation of the lands of Faithley, in the hands of her superior, Walter Lesly, Lord of Ross, at Doune in Menteith, where the Lord of Ross was apparently on a visit to the Earl of Menteith.¹ The frequent occupation of Doune Castle by Robert, Earl of Menteith, is instructed by charters bearing to be granted by him there in the years 1406, 1407, 1410, and 1413, from the first year of his governorship of Scotland till near its close.²

These circumstances show that Doune Castle was a favourite residence of Earl Robert, and completely negative the popular idea that his son Duke Murdach was the builder of Doune. There is really no room for doubt that Duke Robert was the chief builder of the castle as it was ultimately completed.

When Murdach, Duke of Albany, was apprehended by King James the First in 1425, he and his Duchess Isabella, with their family, were all residing in the castle of Doune. Murdach was incarcerated first in the castle of St. Andrews, and afterwards in that of Carlaverock, in which one of the round towers is still called "Murdach's Tower." Isabella, Duchess of Albany, was carried from the castle of Doune to that of Dunbar, and afterwards imprisoned in Tantallon, near North Berwick. On the forfeiture of her husband, the earldom of Menteith and the castle of Doune became the property of the Crown. Two years afterwards the King, having deprived Malise Graham of the earldom of Strathern, granted to him a part of the ancient earldom of Menteith, with a new pceirage of the name of Menteith; but the King reserved a large portion of the old earldom of Menteith, and

¹ The Frasers of Philorth, by Lord Saltoun, vol. ii. p. 237.

² *Registrum Magni Sigilli*, pp. 228, 239, 247, 254, 255.

also the castle of Doune. These possessions continued with the Crown for upwards of a century, and were dealt with as other Crown property.

After the forfeiture of Albany, Doune Castle was used as a royal residence. When an infant less than a year old, King James the Second was an inmate of the castle, as appears from a purchase of forty-eight pounds of almonds sent to Doune for his expenses.¹ The Chamberlain Accounts contain payments to the serjeant of Doune, to the King's fisher at Doune, to his gardener at Doune, and also for repairs to the King's stables at Doune.² Subsequent accounts contain payments to the King's household, and also three shillings paid to the gardener, John Henryson, for leek and onion seed sown in the garden at Doune.³ The account from 1454 to 1456 contains payments for grain consumed when the King was hunting, and for three bolls of corn for the King's horses at Doune. The wages of the gardener, the park-keeper, and the jailer of Doune, are entered in the Chamberlain Accounts.

Doune Castle was a convenient residence for the Kings when they engaged in the amusement of hunting in the royal forest of Glenfinlas, which is in the parish of Callander. King James the Third was sometimes there, and on one occasion, 28th November 1465, he granted a commission at Doune to certain ambassadors to meet with others from Edward the Fourth of England at Newcastle.⁴ King James the Fourth visited Doune Castle in April 1490, and his brother, James, Duke of Ross, was at Doune in July 1492, as appears from the Treasurer's Accounts of these dates. The Accounts of the Lord Treasurer contain payments connected with the taking of venison for the King out of the forest of Glenfinlas.

Besides that royal forest, of which the Captain of Doune Castle was keeper,

¹ Exchequer Rolls, vol. iv. p. 529.

³ Chamberlain Rolls, vol. iii. pp. 551, 552.

² *Ibid.* pp. 279, 280.

⁴ Rymer's *Fœdera*, vol. xi. p. 459.

there was another for red deer, called the forest of Menteith. It was in the parish of Aberfoyle, but it was disforested before the year 1724, as mentioned by Mr. Graham of Duchray, in his account of that parish. These forests, and the upper parts of Menteith, in early times afforded sport to the Kings of Scotland. King James the Third, in the year 1466, erected the Port of Menteith into a burgh of barony, for the purpose of affording supplies during the hunting season.¹

Doone Castle repeatedly formed part of the dowry of successive Queens of Scotland. When King James the Second was married to Mary, daughter of Arnold, Duke of Gueldres, in June 1449, the lordship of Menteith and the Castle of Doune were granted to her as part of her dowry, and Margaret of Denmark, on her marriage with King James the Third, on 13th July 1469, was provided in the lordship of Menteith and castle of Doune, as part of her dowry. The same grant was made to the Princess Margaret of England on her marriage with King James the Fourth in the year 1503, and Thomas, Lord Dacre, and Richard Erington, as her commissioners, were infeft in the Castle of Doune and earldom² of Menteith by William, Master of Ruthven, principal Sheriff of Perth, on 29th May of that year.³ Queen Margaret occasionally resided in Doune Castle. She wrote a letter from Doune to her brother King Henry the Eighth, in reference to the misunderstanding between him and her son, King James the Fifth. Mary Queen of Scots also occasionally resided at Doune. The suite of rooms occupied by her and one of her maids of honour still bears the name of Queen Mary's rooms. They are situated in the west tower. From the windows of the Queen's principal room, and of the two adjoining bedrooms, splendid views are obtained of the river Teith, looking towards Deanston,

¹ Vol. ii. of this work, p. 297.

³ Rymer's *Fœdera*, vol. xiii. p. 68.

² This must mean the Stewartry, which was formed out of part of the old earldom.

and also below the castle as far as the junction of the Teith and Ardoch. King James the Sixth frequently resided in Doune Castle.

Scattered notices of the keepers of the castle appear in the Rolls of the Chamberlain, and in the Accounts of the Treasurer. Alexander Nairn was keeper of the castle in the year 1451.¹

Sir William Edmonstone of Duntreath was, so far as ascertained, the next keeper or captain of Doune Castle, in addition to which he was appointed Steward of the lordship of Menteith.² In this capacity he witnessed the infestment of the Princess Margaret in the lordship of Menteith and Castle of Doune in 1503. He was grandson of Matilda, only daughter of James Stewart, son of Murdach, Duke of Albany, she having married his grandfather, Sir William Edmonstone of Duntreath. Sir William, the captain of Doune, was slain at Flodden in 1513, and was succeeded by his two sons, William and Archibald, the former of whom was declared of lawful age on account of his father's death at the battle of Flodden. They were appointed, in 1516, joint keepers of Doune Castle, and were under curators in 1520, till they arrived at the age of twenty-one. In 1525 the younger brother appears to have been separated from the charge, as William Edmonstone was then the recognised keeper. In that year he received a command from Queen Margaret by a messenger to prepare the castle for her reception, and the messenger bore back the reply that he was willing to receive the Queen and her gentlewoman, but he would not admit her servants. Her Majesty regarded this as a refusal, and after her marriage in 1527 with Henry Stewart,

¹ Chamberlain Rolls, vol. iii. p. 549.

² The Castle of Doune was the usual place for holding the courts of the Stewart of Menteith, which frequently met upon the sward in its vicinity. This appears from the retour of Sir Archibald Stirling of Keir

to his father, Sir James Stirling, on 8th July 1613, which begins, "Hec Inquisitio facta fuit super viridi apud Castrum de Down, loco curiarum Senescallatus de Menteyth vsitato." [The Stirlings of Keir, by William Fraser, p. 439.]

afterwards Lord Methven, she instituted proceedings against William Edmonstone for delivery of the castle to her, on account of his refusal to receive her, and for non-payment to her of the rents and duties of the stewardry. An order was issued by the Privy Council on 4th July, requiring him to surrender the castle within forty-eight hours, under pain of rebellion, but Edmonstone obtained the King's signature to stay the process. The Privy Council annulled this order, although they suspended the execution of the surrender for twelve days.¹ On 20th August he was ordered by King James to deliver up the castle within twenty-four hours after receiving the message. For non-compliance he was put to the horn, but was relaxed by the King, who again, on 20th October, withdrew the relaxation, as it had been obtained "throw circumvention and wrang informatioun." At a Steward Court held near Doune Castle on 6th August 1528, at which the Queen and her husband were present, the lease and commission of William Edmonstone were declared to have expired by his non-fulfilment of their obligations, and his successor was formally installed into the offices.²

The keepership of the Castle of Doune, with the office of Steward of Menteith and Strathgartney, was bestowed upon Sir James Stewart of Beath, a younger brother of the Queen's husband. Being the third son of Andrew, third Lord Avandale, and a descendant of Murdach, Duke of Albany, Sir James Stewart had thus a family, as well as an official connection with the castle of his ancestors. On 14th July 1528 he obtained a charter from Queen Margaret, with consent of Lord Methven, and another from King James the Fifth, granting him the offices of Captain and Steward.

As to the duties of the office Sir James Stewart received, on 8th August 1528, a commission from King James the Fifth,³ and on 1st September

¹ Acta Dominorum Concilii, 11th July 1527.

² Original Documents in Charter-chest of Earl of Moray.

³ *Ibid.*

1528 another commission, dated at Stirling, under the hands of Queen Margaret and her husband and the seal of the former, constituting him steward of the lordship of Menteith, and captain of the Castle of Doune, during the Queen's lifetime, with certain lands pertaining to the captaincy. He received authority to appoint deputies of less rank than himself, and to keep truly the castle on behalf of the Queen and her spouse, to be ready for them at all times. He also received the office of chamberlain of the lordship of Menteith, to uplift the rents during the Queen's lifetime.¹ A few days thereafter, on 8th September, he received a second commission from the Queen and her husband, under the seals of both, in similar terms to the preceding, but with a more special and detailed enumeration of his powers as steward, giving him authority to hold courts, inflict fines, etc. This commission further grants to Sir James such fees as Sir Thomas Youngman, chaplain, then chamberlain of the lordship, had, and certain rents of the Milltoun of Doune.²

Sir James Stewart was a favourite of King James the Fifth, and these grants, by which he thus superseded Edmonstone of Duntreath, probably gave rise to the feud between them, which ended in his being slain some years later by the latter at Dunblane. The first dealings, however, of the newly-appointed captain of Doune with his predecessor wore at least the outward guise of friendship. A notary's instrument, dated at the Castle of Doune on 23d September 1528, narrates that in presence of the Queen, Sir James Stewart and William Edmonstone of Duntreath mutually became friends by taking one another by the hand, and that the latter ratified the grants by the King and Queen in favour of the former.³ In 1529 the superseded keeper was required by Queen Margaret to remove from the lands which he held from her, and apparently for not doing so part of his harvest

¹ Original in Charter-chest of Earl of Moray.

² *Ibid.*

³ *Ibid.*

was seized by Sir James Stewart, and the Privy Council maintained the proceedings of the latter. Their differences were again composed on 10th November 1531, when Sir James Stewart and William Edmonstone of Duntreath entered into a solemn mutual contract, and swore on the Gospels to observe its conditions. In that agreement Sir James Stewart claimed the stewartry of Menteith and captainship of Doune as his property heritably in feu-farm, while Edmonstone claimed the same by virtue of a gift and lease during the Queen's life. Sir James Stewart bound himself to resign into the King's hands certain portions of land of the value of £20, to be granted to William Edmonstone and his heirs in feu-farm, with the Queen's consent. On the other hand, Edmonstone renounced all his claim to the stewartry of Menteith and the captainship of Doune Castle, and the lands thereto belonging, and promised to cause his brother Archibald to give up all similar claims. The parties pledged themselves to help each other in all quarrels, and Stewart was to obtain from the Queen and Lord Methven a discharge for Edmonstone of all bygone rents, while the latter discharged Patrick Stewart of Glenbucky of all goods, etc., despoiled from Duntreath and his tenants. If Edmonstone in any way disturbed Sir James in his peaceable enjoyment of the captainship and other offices, he was to return the £20 land into the King's hand, while a penalty of £2000 Scots was imposed on either party failing to keep the agreement.¹

The arrangement was carried out, and Edmonstone received the £20 land, while he granted the discharge above referred to; but the end contemplated was not achieved, as in 1544, the two parties and a number of friends and retainers met in the High Street of Dunblane, and a serious fray ensued, in which, as formerly stated, Sir James Stewart was slain. The lands in question afterwards reverted to the heirs of Sir James Stewart, under a decree

¹ Original in Charter-chest of Earl of Moray.

of removing, of date 20th December 1563, pronounced by the Lords of Session, to which Edmonstone opposed the contract of 1531. The Court, however, repelled this defence, as the agreement had been violated by the murder of Sir James Stewart, which event would appear to have taken place in the year 1544, and not in 1547, as commonly stated. This appears from the Precept of Chancery, dated 13th April 1563, directing the infestment of James Stewart, Commendator of St. Colm, as heir of his father, the deceased Sir James, in certain feu-lands of Doune, which declares the lands to have been nineteen years in non-entry.¹

The office of keeper of the Castle of Doune was inherited by Sir James's eldest son, who at first had the title and designation of Sir James Stewart of Doune, knight. He received a regrant of the custody of the castle and the stewartry of Menteith, with certain lands, on 6th March 1563.² As steward and chamberlain of Menteith, he was, by an order of the Privy Council on 17th January 1566, to be charged to appear, along with the Comptroller, before King Henry and Queen Mary and the Lords of Council, in six days, to answer to complaints by the tenants of the stewartry. The complaint, presented by Andrew Schaw of Knokhill, William Schaw his son and apparent heir, James Edmonstoun of Ballintone, James Balfour of Boghall, James Balfour of M'Canestoun, Archibald Edmonstoun, Agnes Schaw, relict of the late Alexander Schaw of Cambusmoir, and several others, narrated that the whole lands, bounds, and lordship of Menteith, and specially the lands belonging to the complainers, were utterly destroyed by the Clangregor

¹ In a letter by Queen Mary, dated 15th March 1553, granting to John, Archbishop of St. Andrews, certain fines, it is stated, "John Graham of Garnok wes adiugit for nonentre of James Edmeston, father bruther to William Edmeston of Duntreith, the xvi day of Junii,

the zeir of God [15]xlv yeiris, for the slauchter of James Stewart of Beyth, and mutilation of William Stewart his bruther."—[Registrum Secreti Sigilli, vol. xxvii. fol. 18.]

² Acts of the Parliaments of Scotland, vol. xii. p. 44.

and other evil-doers, so that they were unable to pay the rents thereof until the lands could be occupied, laboured, and manured by tenants as formerly, and requested that command should be given to the comptroller and chamberlains to desist from asking and uplifting the rents of these wasted lands, or executing any letters against the complainers, until their possessions could be peaceably occupied.¹

Sir James Stewart was indicted for being concerned in the assassination of David Rizzio in Holyrood Palace, and was ordered to appear before the Council to answer therefor.² A remission in his favour was granted by the Privy Council on 5th June 1566, which states his crime to have been the incarceration of their Majesties, Henry and Mary, in the Abbey of Holyrood House, and accession to the murder of David Rizzio.³ Sir James Stewart was considered to be one of the supporters of Queen Mary by Morton's Council, which, on 23d May 1568, after the defeat of Queen Mary at Langside, commanded him to surrender the castle and fortalice of Doune to the officers appointed by the Council, as one of those houses to which the Queen's party were resorting in order to repair their forces.⁴ It does not appear to have been surrendered, as Calderwood relates that in 1570, after the Regent Lennox had returned to Stirling, on the 15th of August he went from Stirling to the Castle of Doune, to besiege it. It was kept by the servants of the Lord of Saint Colme's Inch, who was then in the Castle of Edinburgh. Doune Castle was surrendered after a siege of three days.⁵

Sir James Stewart of Doune was also Commendator of St. Colme's Inch, in the Firth of Forth, and as such was a member of the Privy Council.⁶

¹ Register of the Privy Council of Scotland, vol. i. p. 418. vol. i. p. 626.

² *Ibid.* p. 437.

⁵ History of the Kirk of Scotland, Wodrow

³ Original Remission in Charter-chest of Earl of Moray.

Soc. Ed., vol. iii. p. 10.

⁴ Register of the Privy Council of Scotland, vol. ii. p. 98.

⁶ Register of the Privy Council of Scotland,

On 24th November 1581, he was made a Lord of Parliament, with the title of Lord Doune, by King James the Sixth, when the stewartry of Menteith, the Castle of Doune, and certain other lands, were erected into the lordship of Doune, of which the castle was declared to be the principal messuage.¹ This grant to Sir James Stewart, as well as the renewed grant by the King to him, dated 6th January 1587, included the patronage of the two chapels of St. Fillan, situated the one within and the other without the Castle of Doune. The former has now entirely disappeared, but part of the wall of the latter, which was situated upon the banks of the Teith, about a mile below the Castle, still remains. It is within the grounds of Inverardoch, where the present owner, Mr. Campbell, has erected on the site of the original chapel, and incorporated with its remains, a mortuary chapel or mausoleum. Above the door is the following inscription:—"Built by John Campbell of Inverardoch, A.D. 1876, on the site of the ancient Chapel of St. Fillans, the remains of which form the east gable, and by authentic record was in ruins in 1568. This is the last resting-place of the present family."

Lord Doune was, on 26th July 1582, appointed by King James to hold justiciary courts within the bounds of the stewartry of Menteith, and all lands pertaining or that have pertained thereto, viz., the lands of Auchinlawick, Annetis; the lands of Argades and Reidnoch, pertaining to Patrick Hume; the whole lands pertaining to the Laird of Musschett within the sheriffdom of Perth, except so much thereof as is annexed to the sheriffdom of Dumbarton; the six merk land called Erigane, lying within Strathyre, pertaining to Hary Stewart, second son to the said Lord of Doune; and the whole lands pertaining to William Schaw of Knockhill.² Lord Doune is also mentioned as collector-general of teinds.³

¹ Acts of the Parliaments of Scotland, vol. iii. p. 234.

² Register of the Privy Council of Scotland, vol. iii. p. 500.

³ *Ibid.* p. 672.

After the family of Stewart of Doune received the keepership of the castle, and both before and after it was granted heritably along with the peerage of Doune, the castle was frequently used as a State prison. On the 1st of September 1567, the Privy Council directed Oliver Sinclair of Whitekirk, and William Newton of Newton, to enter their persons in ward within the castle of Doune in Menteith, within three days, and to remain there at their own cost until relieved.¹ On the 31st of August 1569, the Lords of Council discovered that two prisoners, Robert Elliot, *alias* Clement Hob, in Gorumbery, and Archibald Elliot, *alias* Archie Kene, who had been ordered to enter themselves in ward in the Castle of Doune, and remain there until relieved, without attempting to escape, had not only made their escape, but had engaged in a marauding expedition. This proved a serious matter for the keeper, Sir James Stewart, as he had become security for each in the sum of five hundred pounds, and it was decreed that he should be summoned to appear before the Council, and either assign some reasonable excuse, or suffer the due penalties. Sir James Stewart appeared before the Regent Murray and his Council on 3d September following, and excused himself as best he could, but not to the satisfaction of the Council, who decreed him to have incurred the pains of his suretiship. Letters for poinding and apprising his readiest lands and goods were ordained to be made, but execution was stayed by the Regent until the 12th of September, to give Sir James an opportunity of finding and producing his wards.² Perhaps Sir James found means of shifting the security off his own shoulders, as in the records of a consideration of the Border business by the Lords of Council on 19th January 1578, Walter Scot, younger of Tushielaw, is mentioned as pledge and surety to have entered Archie Kene within the castle of Doune in Menteith, at a certain day of long time bygone, under the pain of two thousand pounds, and the said Archie

¹ Register of the Privy Council of Scotland, vol. i. p. 557. ² *Ibid.* vol. ii. pp. 22, 25.

Kene not having re-entered within the said castle, Walter Scot was decerned to have incurred the penalties, and order was given for enforcing the decree.¹

Hugh, third Earl of Eglinton, was warded in the castle previous to 9th July 1571, but on that day, by an ordinance of the Regent Murray and the Council, the captain, constable, and keepers of the castle were commanded to set him at liberty, on his entering his eldest son into Stirling Castle, and leaving his brother in the Castle of Doune, as pledges for his return or obedience to King James's authority. At the first meeting of Regent Mar's Council the Regent expressed himself satisfied with the Earl's allegiance, and with advice of the Council ordered his pledges to be liberated.²

Sir Walter Scott of Branxholm was warded in the Castle of Doune on 26th February 1571-2, but was ordered to be removed to Rosyth Castle on 3d March following. If he was removed from Doune he must have been sent back again, as he was ordered to be released from that fortress on 7th July 1572, and to re-enter there again on the 1st of August, and not interfere with Williám Douglas of Lochleven in the intromission with the abbacy of Melrose.³

John Livingstone, younger of Donypace, for contempt of the lawful authority, and inciting to a breach of the peace, was required, on 21st December 1577, to enter in ward into the Castle of Doune. Disturbances had arisen between the friends and dependants of John, Earl of Mar, and those of William, Lord Livingstone, whereby the public quiet of the kingdom was broken, and to put an end to these the Regent, James, Earl of Morton, had written to the respective chiefs to settle their differences by arbitration, promising to use his own influence in healing the breach. Notwithstanding this, John Livingstone and William Menteith of West Kerse had sent cartels

¹ Register of the Privy Council of Scotland, vol. iii. pp. 67, 68.

² *Ibid.* vol. ii. p. 78.

³ *Ibid.* p. 156.

and reproachful and defamatory letters to one another, which threatened a breach of the peace on the first occasion of their meeting, "as thoch thair wer na law nor justice within our realme for decisioun of thair querrellis and contraversiis; without feir or reverence of our Soverane Lord and his autoritie, and to the apparent further troubill of his Hienes peace, gif tymous remeid be not providit." William Menteith was therefore ordered to enter himself in Blackness Castle, and John Livingstone in Doune.¹

On 6th August 1578, Archibald Stewart, Provost of Edinburgh, found cautioners in £2000 for his departing to the Castle of Doune in Menteith, and remaining in ward therein or within a mile round it, and that he would not, while in ward, correspond in any way with the Earls of Athole and Argyll.²

A number of the Borderers had been located in different parts of the country as pledges for the good conduct of the rest, and one of these, Will Bell, son to Jok Bell of Alby, fell to the custody of Sir James Stewart, and was warded in Doune. After a time these pledges seem to have been released by their respective keepers without the King's authority. That might have passed without remark had it not been for the renewal of the Border depredations, which moved the Government to proceed against the custodiers of the pledges, and Sir James was called upon to answer for his release of Will Bell. Being cited, and failing to appear before the Council, Sir James was condemned in the penalty of £2000 for neglect of duty, and the treasurer was ordered to uplift the sum with all rigour for an example to others.³

Laurence, Lord Oliphant, was another prisoner warded in Doune Castle. This was the result of a fray between the followers of the treasurer, Lord Ruthven, and those of Lord Oliphant, who were at feud with one another,

¹ Register of the Privy Council of Scotland, vol. ii. p. 660.

² *Ibid.* vol. iii. p. 19.

³ *Ibid.* pp. 43, 59.

when Alexander Stewart of Schutingleis, one of the Traquair Stewarts, was shot by the Oliphants. Lord Oliphant was ordered, on 7th December 1580, to enter in ward in the Castle of Doune on the 9th, and two sureties in £10,000 were found for his doing so.¹

Another distinguished prisoner was William Erskine, Commendator of Paisley, who, having been concerned in the Ruthven Raid, was commanded to ward himself in Blackness Castle. For non-compliance he was put to the horn, but on the 2d December 1583 received "the wand of peace till the 10th of December." Thereafter he must have been committed to ward in Doune Castle, as on the 23d a bond of caution for £10,000 was entered into by some of his friends, that when released from the Castle of Doune in Menteith, he should within three days enter in ward within the bounds of Renfrewshire, and remain there till set free.²

George Home of Wedderburn, another Ruthven raider, was also a prisoner in the castle in the time of Lord Doune. On finding sureties in £10,000 for his re-entering in ward on 15th November 1584, and not intercommuning with his Majesty's traitors, he received licence to go home on 21st September of that year.³

Lord Doune died in 1590. He was succeeded by his eldest son, James Stewart, who married the Lady Elizabeth Stewart, eldest daughter of the Regent Murray, and was created Earl of Moray, which title, along with that of Lord Doune, has been inherited by his successor and representative the present Earl of Moray and Lord Doune, who still possesses the ancient castle.⁴

¹ Register of the Privy Council of Scotland, vol. iii. p. 335. ² *Ibid.* p. 623. ³ *Ibid.* p. 689.

⁴ Lord Moray, in the year 1877, instructed Mr. Andrew Kerr, architect, Edinburgh, to inspect the ruins of Doune Castle, and to prepare a professional report upon them. By permission, part of the careful description of

the ruins, as given in Mr. Kerr's report, has been incorporated in the present notice of the castle. The thanks of all archæologists are due to Lord Moray for his praiseworthy endeavour to preserve the ruins of a castle with which the history of his family is so closely associated.

When King James the Sixth adopted measures of severity against the Macgregors after the battle of Glenfruin in the year 1603, he granted a commission to Archibald, Earl of Argyll, to deal with the proscribed clan. They were summoned to meet the Earl on the 10th of September 1606, at Doune of Menteith. The terms of clemency held out to them involved a renouncing of their surnames, and finding security for their future submission and obedience. They took various surnames, such as those of Stewart, Stirling, Dowgall, Grant, and Cuningham; and they swore that in all time coming they would call themselves or their children, born or to be born, by the surnames which they had respectively assumed, under the pain of death.

During the rebellion of the year 1745, the castle of Doune was rendered prominent by its being taken possession of by the Jacobites. John, Lord Macleod, who was with Prince Charles, in a narrative thus explains the position of the insurgents and the castle:—Towards the end of the month of December, Lord Macleod was sent to Dunblane with the regiment, with the Camerons and some other troops. The reason of their having been sent there was that some time before the Prince marched into England, he appointed Mr. Macgregor of Glengyle to be Governor of Doune Castle, and which was at that time a place of consequence to the Highlanders, as it covered a bridge over a rivulet which secured their communication with the ford of Frews on the river of Forth. Mr. Macgregor had his own clan for a garrison, but when the Highland army was marched into England, and the King's troops were arrived at Stirling from Berwick, Mr. Macgregor, thinking himself too weak to stand an attack, applied to Lord Strathallan for succour. Mr. Macdonald of Glenco, with his men and a body of the Stuarts of Appin, were sent to reinforce Doune Castle; but these gentlemen, thinking themselves still unable to sustain an attack from the troops at Stirling, should General Blackenay think proper to disturb them, applied for a

further reinforcement, which Glenco and the commander of the Stuarts came themselves to Perth to solicit. It was then resolved to send a detachment to Dunblane, which was sufficient to secure Doune Castle from any attacks that could be made against it from the enemy at that time, as the army was within two miles of that place, and within sight of Stirling.¹

The bridge referred to by Lord Macleod is the ancient Bridge of Teith, a short way above Doune Castle. It was built by Robert Spittal, who acquired a fortune as master tailor at Stirling to Queen Margaret, dowager of King James the Fourth. Spittal was a benevolent man. He founded an hospital in Stirling for the relief of poor tradesmen, although tradition does not give him credit for an act of pure generosity in building the Bridge of Teith. Formerly there was only a ferry over the Teith at this place. On one occasion the tailor came to the ferry without money to pay the boatman, who refused to give him credit, and left him behind. To resent such an insult to the Queen's tailor, the latter built the bridge, and punished the boatman by ruining his business.²

Another episode of the year 1745 occurred in connection with Doune Castle. On behalf of Prince Charles a garrison had been placed in the castle under the command of Mr. Stewart of Balloch, a gentleman of property near Callander, and the castle became the scene of a romantic escape made by John Home, the author of "Douglas," and some other prisoners. Sir Walter Scott gives an account of the adventure;³ but the real hero of it had himself previously written a detailed narrative of the event, which may be given here, very nearly in his own language. Home, when a student at the University of Edinburgh, became a volunteer in the service

¹ The Earls of Cromartie, by William Fraser, vol. ii. p. 386.

² Old Statistical Account, vol. xx. p. 50.

³ Notes and Illustrations to Waverley, p. 95.

of the Government, and fought at the battle of Falkirk. He was captured, and sent as a prisoner, along with some others of his fellow volunteers, to the castle of Doune. It was in a most ruinous condition, and the place of their abode was a large ghastly room in the highest part of the castle, and next the battlements. At one end of the room there were two small vaults or cells, in one of which the volunteers passed the nights, with three other persons, one of whom was Mr. John Witherspoon, then a clergyman of the Church of Scotland, afterwards President of Princeton College, New Jersey. The other two were citizens of Aberdeen, who had been taken in the north country as spies, and were threatened with hanging by the rebels.

Each of the cells had a door which could be made fast by those on the inside when they went to sleep. They had straw to lie upon, and blankets to cover them, which they had purchased from some people in the village of Doune. The volunteers thought of nothing but of how to get away from such dismal quarters. One of them proposed that they should make a rope of the blankets they had, by which they might descend from the battlements to the ground on the west side of the castle, where there was no sentinel. The proposal was agreed to. To prevent suspicion of their design, some of the volunteers always kept company with the other persons in the great room, which was common to all, whilst the rest of them, barring the door of their cell, were at work till they finished the rope, of which they resolved to make use the very night it was completed. Two officers claimed it as their right to be the first to hazard themselves and prove the strength of the rope; but that claim was objected to, and all the volunteers, with the two men taken up as spies, drew lots for the order in which they should descend. The captain showed No. 1, the lieutenant drew No. 2.

When everything was adjusted they went up to the battlements, fastened the rope, and about one o'clock in the morning began to descend. The two

officers, with Robert Douglas, and one of the men taken up as spies, got down very well, but the fifth man, one of the spies, who was very tall and big, coming down in a hurry, the rope broke with him, just as his feet touched the ground. The lieutenant, standing by the wall of the castle, called to the volunteer, Thomas Barrow, a brave young Englishman, and a particular friend of Home's, whose turn it was to come down next, not to attempt it for that twenty or thirty feet were broken off from the rope. Notwithstanding this warning, which he heard distinctly, he put himself upon the rope, and coming down as far as it lasted, let go his hold. His friend Douglas and the lieutenant (who were both of them above the middle size), as soon as they saw him upon the rope (for it was moonlight), put themselves under him to break his fall, which in part they did, but falling from so great a height he brought them both to the ground, dislocated one of his ankles, and broke several of his ribs. He was borne off the ground by his comrade, and carried to Tully-allan, a village near the sea, where they hired a boat to carry them to the *Vulture* sloop of war, which was lying at anchor in the Firth of Forth.

The remaining volunteer who had to make his escape from the Castle of Doune was Neil Macvicar,¹ who had drawn the last number. He saw from the battlements the disaster of his friends. Pulling up the broken blanket rope, he carried it to his cell to be repaired with additional blankets. He then went up to the battlements, fastened the rope, and put himself upon it.

¹ He was probably a relative of the clergyman of the same name, then one of the ministers of St. Cuthbert's parish in Edinburgh. This minister had the courage, even after Prince Charles had gained the battle of Prestonpans and taken possession of Edinburgh, to discharge his official duty by preaching to a crowded audience, many of

whom were Jacobites. He prayed earnestly for the reigning monarch, as usual, and referring to the intruding Prince, petitioned the Almighty "in regard to the young man who had recently come among them in search of an earthly crown, that he might soon obtain what was far better, a heavenly one." [Scott's *Fasti Ecclesiæ Scoticanæ*, part i. p. 126.]

He came down very well till he reached that part of the rope where he had added so much to its thickness that his hand could not grasp it, and falling from the same height that his comrade had done, but having nobody to break his fall, was so grievously hurt, bruised, and maimed, that he never recovered, but languished and died soon afterwards at the house of his father, who was a clergyman in the Island of Islay.¹

The Highlanders, says Sir Walter Scott, sought for their prisoners next morning with great activity. An old gentleman told him that he remembered seeing the commander Stewart,

“ Bloody with spurring, fiery red with haste,”

riding furiously through the country in quest of the fugitives.

In Grose's *Antiquities of Scotland* there is an engraved view of the Castle of Doune from a drawing made in 1790. In the tour through Scotland by T. Garnett, M.D., in the year 1800, a drawing of Doune Castle is given, made by W. H. Watts, and engraved by William Green, with a description of the ruins of the castle.² In Billiugs' *Antiquities of Scotland* two engraved views are given of the Castle. One of these represents the exterior of one side, and the other the court. In the present work a front view is given from a photograph.

Since the foregoing history of the Castle of Doune was in type, the Earl of Moray allowed the author to inspect the Muniments in his Charter-room at Donibristle, when he discovered a number of interesting documents relating to Doune Castle and the acquisition thereof by his ancestors. A selection of these documents is printed in the Appendix to the Second Volume of this work.

¹ *History of the Rebellion, 1745*, by John Home, vol. iii. pp. 169-175.

² *Dr. Garnett's Tour*, vol. ii. p. 163.

THE CASTLE OF TALLA, IN THE LAKE OF MENTEITH.

This castle has been known by a variety of designations, such as Inchtulloche, Ylyntullo, Ilantullo, Ellantallo, Tulla, Talla, Earl's Isle, and Isle or Island of Menteith. It is more commonly called Talla. A drawing of the remains, given in this work, shows the ruinous condition into which it has now fallen. It was erected on one of the islands in the Lake of Menteith, and was the principal residence of the Earls of Menteith of the family of Graham from the time of Malise Graham, the first Earl, in 1427, to the last Earl, who died in 1694. No record exists of the builder of the castle. When a portion of the ancient earldom of Menteith was erected into a new earldom in the year 1427 by King James the First, in favour of Malise Graham, formerly Earl of Strathern, the King did not include in the grant the great Castle of Doune of Menteith, which had been the principal residence of the two previous Earls of Menteith. It is probable, however, that there had been in this island a tower or keep as early, if not earlier, than the priory of Inchnahome, which was erected by Walter Comyn, Earl of Menteith, in the year 1238, on the island adjoining Talla, and that Malise Graham and his successors had erected additional buildings suitable for their residence in the island of Talla in lieu of the Castle of Doune.

Talla or Tulla is said to signify in Gaelic a hall or great man's house. The buildings occupy nearly the whole of the island, including a court-yard which measures twenty-three by eighteen paces. In summer, when the foliage is luxuriant, the buildings are so completely shaded that very little of them can be seen from any distance. Such is the appearance of the island in summer, that it has been said to resemble an umbrageous concrete.

There is ample evidence that Malise, the first Graham Earl of Menteith, resided at Inchtulloche. On 6th December 1485, he granted a charter, dated

at that place, to Duncan Campbell of Glenorchy, of the lands of Drumlayme and Blarbuyok, in the earldom of Menteith and shire of Perth, for assistance rendered to the Earl.¹ Earl Malise also granted, at Inchtulloche, on 8th December 1485, a charter to his son, John Graham, of the lands of Port Erachame, Monbrechy, Gartmoulzie, Mullin, Cambusmore, with the lake of Inchmahomok and islands of the same, in the earldom of Menteith and shire of Perth. The charter was confirmed by King James the Fourth on 29th June 1489.²

Walter Graham, another son of Earl Malise, received from the Earl, on the same 8th December 1485, and at the same place of Inchtulloche, a charter of the Lake of Lochtoun (Loch Achray), with the isles of the same, the half lands of Glashulrie, lands of Calgart, Sawnacht, Inchrie, the Milntoun and Kirkton of Aberfoyle, in the earldom of Menteith and shire of Perth. That charter was also confirmed by King James the Fourth on 29th June 1489.³

On 2d November 1551, John, Earl of Menteith, granted a precept, dated at Ylyntullo, to Mariota Campbell, one of the daughters and heirs of John Campbell of Glenorchy, in half of the lands of Drumlaame and Blayrwick. The instrument of sasine drawn up at the infetment of William, fifth Earl of Menteith, on 20th November 1571, declared that the principal manor or message of the earldom of Menteith was called Ilyntullocht; and William, the seventh Earl, resided much at Ilantullo. These documents show that the Graham Earls had their residence at Inchtullo from the first.

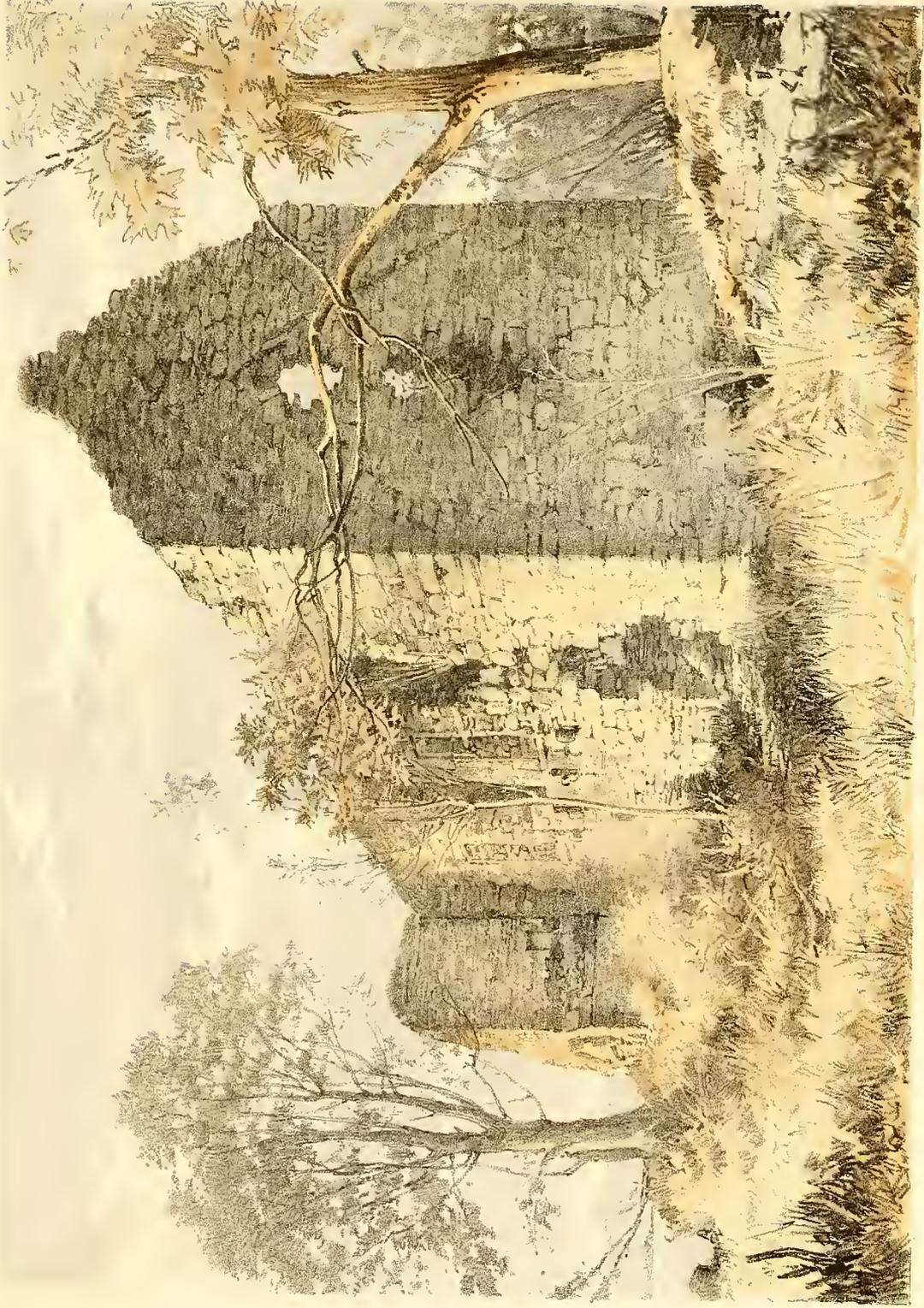
From information obtained by the late Mr. Macgregor Stirling, minister of Port, from persons then living, he gave a description of the ruins of Talla. He says that the most spacious but lowest house of Talla (apparently built

¹ Original Charter in the Breadalbane Charter-chest at Taymouth.

103; MS. Her Majesty's General Register House, Edinburgh.

² Registrum Magni Sigilli, Lib. xii. No.

³ Registrum Magni Sigilli, Lib. xii. No. 102.



CASTLE OF ILANTULLO IN THE LAKE OF MENTEITH
FORMERLY A RESIDENCE OF THE EARLS OF MENTEITH.

with the stones of the church of Inchmahome), was divided into three apartments. In the lower storey was the hall, latterly furnished with a pair of virginals, and my Lord's and Lady's portraits, and hangings before them, and ane house-knock, with the case thereof. At each end, and in the upper stories, entered respectively by an outdoor in the gable, and not encroaching on the ground floor, was a room, each containing a standing bed and other corresponding furniture. In a small tower behind, and communicating with the rooms, were three rooms in three different stories, the upper of which were accessible by a staircase at the south-west corner. The middle flat was my Lady's chamber, and afterwards my Lord's. The ground floor is named the laigh back-room. The attic storey, called at one time the wardrobe, and also the chamber above my Lord's, appear to have served the twofold purpose of wardrobe and bedroom. The brewhouse chamber was on the east side of the island, and appears to have been decorated with many-coloured cloths, which gave it several attractions; and there was attached to it a pair of to-falls, or additions, furnished with three beds. On the west side of the island were the kitchen oven and servants' apartments, built of round land stones. On the south stood the Tower of Talla. A large square stone, which had been built into a niche of the tower, but has now fallen to the ground, contained armorial bearings. Mr. Macgregor Stirling says, from one of these devices, where the crest representing (as is believed) an eagle *coupé* is above the shield, the charge of which is not legible, it would appear that the oldest building was erected after the introduction of the first-mentioned emblem into armorial bearings.¹ The whole carving on this armorial stone is now so completely obliterated as to be quite illegible.

Detailed inventories, made in the years 1692 and 1694, of the furniture then in the castle, are still preserved. These inventories show the "hail

¹ Notes on the Priory of Inchmahome, pp. 72-74.

household stuffe and plenishing" belonging to the last Earl of Menteith, within the island of Menteith, and in the several apartments of this castle. These include my Lord's chamber, the hall, the laigh back-room, the east chamber, the west chamber, brewhouse chamber, the to-falls, the chamber above my Lord's, etc.

In my Lord's chamber there was a standing bed, with hangings of stamp cloth, and pand of gimp silk, with white hangings and pand within. The whole room was hung with the like stamp cloth. A chest of "shottles" (small drawers), two cabinets, one less, another more, containing "shottles," a little table with a drawer, a looking-glass with a black "brissel" frame, with gold knaps to the bed.¹

The hall, which measures nineteen paces by eight, contained green drugget hangings, with gold rods, two window curtains, a pair of virginals, portraits of my Lord and Lady, and hangings before them, a folding table, etc.

In the account of the silver work, there is included a large basin and lawer, silver servers, silver posset dish with the cover, silver tumblers, sugar boxes, candlesticks and snuffers, and chauzie, silver spoons, etc.

In the plenishing through the house there were pistols, my Lord's embroidered saddle, my Lady's velvet saddle, two pairs of long raxes, three speats, etc., iron chests, with ane large and ane less house Bible.

The clothes of the Earl are also fully described in the inventory of 1692, and include a coat and breeches of Spanish cloth, a snuff-coloured coat, ane flowered silk vest, black velvet vest, a grey cloth coat, and two pairs of breeches of the same cloth, black silk stockings, one pair in the wardrobe and two to Edinburgh, one of them wanting the foot. The Earl seemed to prefer snuff-coloured articles of apparel, as, besides the snuff-coloured coats, he has three pairs of snuff-coloured worsted stockings; but he also indulged in

¹ Notes on the Priory of Inchmahome, p. 161.

scarlet coats, with silver buttons, and red satin vest, and fine English cloth doublet, and a flowered silk Highland coat. The Earl's wardrobe, as particularly described in the inventory, shows the style of apparel of a Scottish nobleman towards the end of the seventeenth century.

Although the last Earl of Menteith lived pretty constantly in his island home, his Countess did not relish that residence. Her chamber was close on the edge of the water, and she complained that the frogs came and croaked at her window, and made such a noise that she was obliged to desert Talla and take refuge in the Earl's house near Holyrood, at Edinburgh.

A short way west of the island of Talla is a small island called the Dog Isle, only a few yards in circumference. It acquired its name from the Earls of Menteith having made it a dog-kennel when the island was less covered with water than it is now.

On the west end of the lake there was a tenement known as the "Piper's house," of which vestiges still remain. The piper was an important functionary under the Earls. In the early morning he traversed a winding gravel beach which stretches above half a mile towards the south-east, playing in the full chorus of his bagpipes such airs as stirred the soul to martial daring or fostered social feeling.

About a mile westward of the lake, on a prominent eminence on the farm of Portend, is the Gallows Hill, being the place where criminals were executed, within sight of the Earl's residence.

The island residence of the Earls of Menteith was situated in the midst of the most beautiful lake scenery. The lake of Menteith is a fine expanse of water, circular in shape, and about seven miles in circumference; at certain points it is about eighty feet in depth. The islands are adorned with ancient trees. In the larger island the Spanish chestnuts, several of them of vast size, stand out in great perfection. The girth of one of these trees, which

grows nearly opposite the west entrance to the Priory, measures at the base, close to the ground, twenty-two feet, seven inches. Another of these trees measures, close to the ground, twenty-one feet. Several branches of this tree are decayed, and no leaves come forth upon them in the season. Both in summer and winter they resemble the antlers of a deer, so that this tree is known as the antlered chestnut, and has a very picturesque appearance. Several of these huge chestnuts have already died a natural death from sheer old age. The inside or heart of the tree becomes carious, and when a hurricane arises it is broken down.

A portion of the larger island was marked off from the Priory as gardens and orchards for the Earls of Menteith, on the side next adjacent to their castle, on the island of Talla. It was in this part of the island that the garden and bower, popularly known as Queen Mary's, were situated. As the Queen only remained a few months in the island, it is not probable that the garden, with its stone walls, would be built during her temporary sojourn, but rather that they had previously existed for the enjoyment of the Earls of Menteith. But though the garden and bower may have existed for centuries anterior to Queen Mary's residence on the island, it was natural that they should be associated with her name as the most distinguished person who had ever resided there.

It was in the fifth year of her age that the young Queen found refuge in Inchmahome. Sir James Balfour records that the Regent Arran, immediately before the battle of Pinkie, by the counsel of the Earls of Angus, Argyll, Rothes, and Cassillis, sent Queen Mary and her mother to the Isle of Inchmahome, there to be safely kept by the Lords Erskine and Livingston, as they would be answerable on all highest pain.¹ Sir James Balfour adds that the Queen was sent thither in a great hurry, as the Regent, on the

¹ *Annals*, A.D. 1547, vol. i. p. 288.

approach of the English army, put out the fiery cross, and levied a reasonable army according to the shortness of the time. But from a discharge which was granted to Lords Erskine and Livingston as the guardians of the Queen while in Inchmahome, it appears that it was not immediately before, but soon after the battle of Pinkiecleuch, that Queen Mary was sent to Inchmahome, in the month of September 1547. As the Queen was at Lethington, now Lennox-Love, in East Lothian, when she granted the discharge referred to on the 20th July 1548, it is obvious that she had not remained many months on the island.¹

The small garden referred to as Queen Mary's is only about thirty-five yards square, and is surrounded by stone walls. In the centre of the garden there is a large boxwood tree reputed to have been planted by Queen Mary in remembrance of her visit. It is about twenty feet high, and measures at the ground fully three feet in circumference, and though evidently of great antiquity, it is still in a flourishing condition. This garden and the orchards in the island were long kept in excellent order, and became famous for filberts and other fruit-trees, which formed an object of attraction to many tourists; but the garden and orchards have latterly been neglected, and are now overgrown with grass and weeds. The bower is situated on a knoll at the west side of the garden. It is a small spot, measuring only about thirty-three yards round the outside. It was originally adorned with a row of boxwood trees, and a thorn tree in the centre. The original boxwood trees in the bower, like the single one in the garden, had all grown to considerable size, but the desire of tourists to become possessed of relics of Queen Mary has gradually led to the complete disappearance of nearly the whole of these trees. On the occasion of a visit of the late Duke of Montrose with the present Duchess Dowager and other members of the family to the island in the

¹ Vol. ii. of this work, p. 331.

autumn of the year 1859, the writer took occasion to point out the neglected condition of the bower and suggested its restoration, when His Grace gave directions that the bower should be restored with new boxwood plants, and a neat wooden railing placed around the whole. This was soon afterwards attended to, and the young plants have grown so well that they are now of considerable size; and when tourists, particularly those from America, obtain a cutting from the boxwood as a relic of Queen Mary, they firmly believe in them as having been planted by her hand, although in reality they were obtained from the neighbouring gardens of Cardross only within the last quarter of a century.

The pleasure-grounds of the Earls were situated on the northern shore of the lake, and included the finely-wooded hill of Cowden or Coldon—"gay Coldon's feather'd steep"—and part of the adjoining farm of Portend. On the south side of Cowden, and at the edge of the water, there is an excellent echo. Words called out on the shore reverberate through the ruins of the Priory with remarkable distinctness. On the north side of the lake, sheltered by clumps of large trees, stands the hospitable mansion of Lochend, the residence of the venerable Admiral Elphinstone Erskine. The banks on the east side were greatly embellished by the late Lieutenant-General Graham Stirling of Rednoch.

To the north of the lake of Menteith the hills rise to a considerable height, and beautiful views of the lake and its islands are obtained from such of the hills as immediately surround it. From Bandarroch, one of the hills to the north, may be seen thirteen lakes or lochs, including those of Menteith, Loch Katrine, Rusky, Lubnaig, Achray, Drunkie, Vennacher, and others. To the north and west of Bandarroch there is a perfect panorama of mountains and lakes. To the west appears Ben-Lomond, next in grandeur to Ben-Venue, the mountains of

Argyllshire, Ben-Ledi, Glenfinlas, Brackland, and Doune. To the south of Bandarroch are seen the fertile plains of the valley of Menteith, stretching from Drymen on the west to Stirling on the east. The intervening carse in cultivation is like a succession of gardens.

The Port of Menteith was erected into a burgh of barony by King James the Third in the year 1466. The Cross of the burgh was the trunk of a very old hawthorn-tree. It stood opposite the manse of Port on the side of the lake, and was called the "law tree," as legal business was transacted and sales of cattle took place there. The fair or market of St. Michael was held at the Cross in the end of September annually.

DUKE MURDACH'S ISLAND AND TOWER, IN LOCH-ARD.

Of two small islands in Loch-Ard in Aberfoyle, the one was called "the Duke's Island," or, in Gaelic, Dundochill. According to local tradition, Murdach, Earl of Menteith, and second Duke of Albany, resided in a tower in this island. The remains of a strong building can still be traced in the foundations, but the walls are now levelled with the rock. Being on a small island in this lake, which is there surrounded by high mountains, the situation of the tower is very picturesque and romantic. It must, however, have been limited in extent, as the entire circumference of the island is not large.

The other island is called St. Malloch, on which stood a small chapel, no remains of which are now visible.

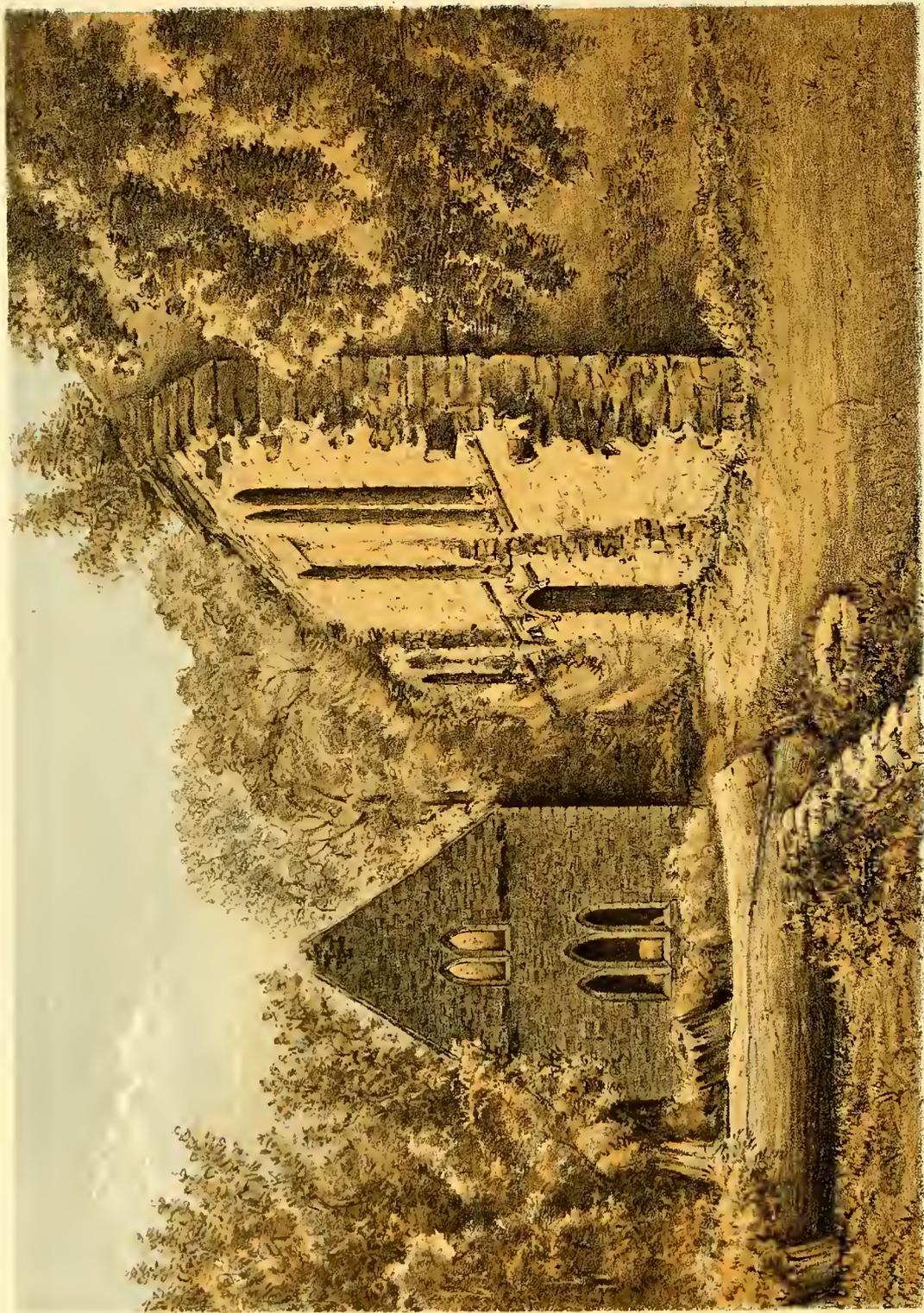
The Earls of Menteith had other residences, including Kilbride Castle in the parish of Dunblane, Landrick Castle in the parish of Kilmadock, and Rusky Tower in the parish of Port—

“ Where the majestic Grampians spread
Their shadows o'er old Rusky's head ;
Where friendship warms th' escutchion'd walls
Of frowning Rusky's antique halls.”¹

Rusky Tower is traditionally known as having been the principal residence of Sir John Menteith. Loch Rusky contains a small island, on which stood this castle of the knight, which has long since been levelled with the ground. Part of the stones of the building were removed about sixty years ago by a carpenter at the Port of Menteith, for the purpose of building houses at Blairhoyle. Other portions of the old tower of Rusky were used in building the adjoining farm-steading of Muirhouse. The tower, when it stood, was popularly called “the false Menteith's castle.”

Near the islet of Rusky, on the mainland, are the remains of stables, and an area of thirty yards' circumference, surrounded with old Scotch fir-trees, used, according to tradition, for the training and the breaking of the horses of Sir John Menteith, of which he is said to have kept a large stud.

¹ “Wallace, or the Field of Falkirk,” by Miss Halford, Canto V. Stanza xv.



THE PRIORY IN THE ISLE OF INCHMAHOME,
IN THE LAKE OF MENTEITH.

The Priory of Inchmahome.

PRESENT STATE OF THE RUINS.

AS shown in the memoir of Walter Comyn, Earl of Menteith, that nobleman, in the year 1238, obtained the authority of Pope Gregory the Ninth to build a Priory in the Island of Inchmahome, situated in the diocese of Dunblane. The Priory was soon afterwards erected, and continued to flourish till the period of the Reformation, when it shared the fate of other ecclesiastical establishments. It is now, and has been for many years, an entire ruin, but still a ruin of much interest from the beauty of its architecture, the splendour of the surrounding scenery, and its historical associations. The church is dedicated to Mocholmoc, whose day in the calendar was the 6th of June. This identifies him with Colman of Dromore, in Ireland, who was called Mocholmoc.¹

The Priory was one of the order of St. Augustine, which numbered about twenty houses in Scotland, including those of Cambuskenneth, Inchaffray, Jedburgh, Scone, etc. The Augustinians were also called Canons Regular from their taking charge of parish churches, and performing ecclesiastical duties in any place; whereas the monks, more strictly so called, confined their professional functions to their monasteries. The Priory of Inchmahome had several churches under its charge, including those of Lany, Kilmadoek, and Port.²

¹ Celtic Scotland, by W. F. Skene, vol. ii. p. 32. In a note he remarks: In Ireland the custom existed of prefixing the word *mo*, or "my," and adding the word *oc*, or "little" to the name of a saint as an expression of endearment. When the name ended with

the syllable *an* the word *oc* was substituted for it. Thus Colman becomes Mocholmoc. [Lanigan, Ec. Hist., vol. i. p. 432.]

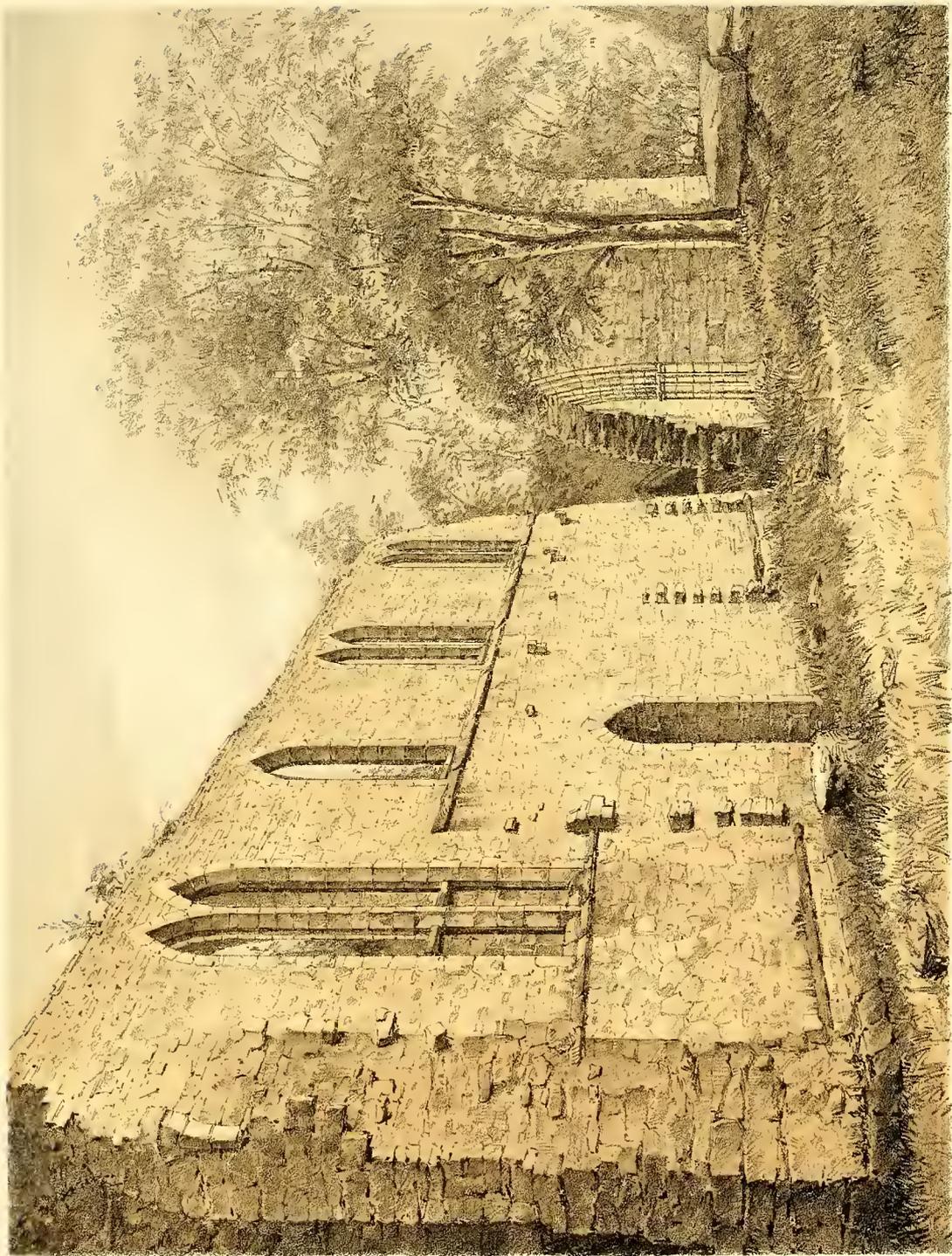
² Fasti Ecclesiæ Scoticanæ, vol. ii. pp. 724, 737.

The secluded spot on which the Priory was erected, known as the Isle of Rest, removed it from the influence of the stirring events with which several other religious houses were associated, particularly those of Jedburgh, Melrose, and others connected with the Borders.

The Priory stands east and west, and about thirty feet high. The most interesting portion of it now remaining is the great west door, which formed the principal entrance to the Priory. The gable in which it is situated is thirty feet wide, and the doorway itself is a very successful specimen of Gothic architecture, as may be seen from the drawing of it on the title-page of this work. It is twelve feet high and six feet wide at the ground. Notwithstanding its age of six centuries, and its neglect during a great part of that time, it is still in tolerable preservation. The fine grooving has in some parts crumbled away by the decay of ages, but large portions still exhibit their pristine beauty. In the inside of the church, above the west door, there are traces of a window, about fifteen feet broad, which had been the west window of the Priory.

The eastern gable of the Priory faces the east side of the Lake of Menteith, and is thirty-two feet wide and about thirty feet high. The east window in this gable, behind the high altar, has been particularly fine. It is in five divisions, which are still complete except at the top, where they have fallen down. The four side divisions are each a foot broad, and the centre one is eighteen inches.

The north wall between the east and west gables, or rather to the bell-tower, measures one hundred feet, and from the corner of that tower to the western gable is twenty-one feet. It is situated about twenty-five yards from the margin of the lake. In the north wall, near the centre, there is one door, called the north door, and there are also four windows. Both the door and the windows are of plain workmanship, devoid of any of the elaborate and ornate carving shown on the west door.



THE PRIORY IN THE ISLE OF INCHMAHOME,
IN THE LAKE OF MENTEITH.
NORTH SIDE

In the north wall, towards the west end, there had originally been three large gateways. Only one of them now remains an entire arch, and it is in excellent taste. The other two arched gateways had been similar to the one now remaining entire. One of them is almost entirely taken down, and the other has been built over by the bell-tower, which completely covers it. That tower has been erected subsequent to the north wall and arched gateways of the Priory, and has rather marred the symmetry of the original building. It is four stories high, with walls twelve feet square on the side and fully three feet thick. From the Bellman's Window in the top of the tower, beautiful views of the lake and the surrounding country may be obtained.

The south wall of the Priory has suffered more dilapidation than any other portion of the building, a considerable part of it having been broken down. From the appearance of the remainder it seems that the wall contained four arched windows of fine workmanship.

The choir of the church has long been used as a place of interment by the Earls of Menteith, Comyns, and Stewarts, as well as the Grahams, their successors, and also the Drummonds, who are closely connected with them. The beautiful sculptured effigies of Walter Stewart, Earl of Menteith, and Lady Mary his Countess, have already been described in their memoirs, and a representation is given of their monument.¹

¹ On the inside of the north wall, opposite the site of the high altar, there is a marble tablet, with the following inscription, to a former heir-male of the Graham Earls of Menteith:—"Sacred to the memory of John Graham of Gartur, last male representative of that family, who died 28th April M.DCCC.XVIII. aged lxxix." In another part of the Priory is a tablet to the memory of

Matilda Graham, widow of John Graham of Gartur, and fourth daughter of James Erskine of Cardross, who died 18th June 1839, aged 68.

Before the erection of the priory of Inchmahome, the Earls of Menteith are said to have had their burial-place at the church of Kippen, the patronage of which belonged to them. The river Forth, which rises in and

A building, situated a few yards to the south of the Priory, is stated to be the burial vault of the later Earls of Menteith and Airth. It is two stories high, including the arched vaults, which are seated round the walls with hewn stone. In the east gable of this building there are two windows still entire, one of these being of three arches, and the other of two arches. The former lighted the arched vault, and the latter lighted the room above, which is still called Queen Mary's bedroom, from her having slept there during her stay in the island, to which she was conveyed for safety in a time of war between Scotland and England. Part of the iron and wood work of the door of this room still remains in the building. The ash and other trees now grow in and fill up this room. On the west gable of the vault there is a door having stone steps to it from the outside, and above the door there is a blank niche, evidently made for a stone with armorial bearings; but these, if they ever graced the niche, have now disappeared. The entrance to the vault was by a grand hall one hundred feet long, with a gateway at the west end. On each side of the gateway are niches for the armorial bearings of the Earls of Menteith. The last Earl gave special directions in his will for the carving and putting up of these armorial stones. Among the Menteith papers at Gartmore there is said to be a receipt for the price of cutting two figures in stone, to be placed in Inchmahome. But these niches are now blank, without any armorial stones.

runs through Menteith, is in general the boundary between the shires of Perth and Stirling. Perthshire, however, crosses the Forth from the water of Duchray, above Aberfoyle, to the south end of the barony of Gartmore, in the parish of Port, and extends about a mile and a half on the average. Perthshire again encroaches beyond the confines of proper Caledonia opposite to Cardross,

and runs towards the Hill of Fintry, in a breadth of two miles and length of four. An insulated portion, about two miles long and half a mile broad, embraces the village of Kippen. The minister's manse stands on the eastern march, so that his dinner is cooked in Perthshire and eaten in Stirlingshire. [Nimmo's History of Stirlingshire, vol. ii. p. 576, 2d edition, 1817.]

On the south side of the vault now mentioned, stand the ruins of another building, evidently of considerable antiquity. It measures in length about one hundred feet, and the arching of an under storey is beautifully built. The large chimney and fireplace of the kitchen of this building are still entire, and there are traces of a stair leading to an upper part of the building.

THE PRIORS OF INCHMAHOME.

Although the Priory of Inchmahome was a flourishing religious house from the time of its erection in 1238 till the period of the Reformation, or upwards of three centuries, comparatively little is known of the priors and commendators who were successively the heads of the Priory. No cartulary, showing the grants made to or by the Priors, is known to exist, and only a few original charters connected with the Priory have been preserved, several of which are printed in this work for the first time. Previous to the erection of the Priory, a parson appears to have officiated in the island under the Bishop of Dunblane, in whose diocese Inchmahome was situated. In a grant made by William de Boscho, bishop of Dunblane, to the church of Cambuskenneth, without date, but probably about the year 1210, he gifted the church of Kincardine in free alms. To that charter there were many witnesses, chiefly priors, chaplains, and parsons, including among the latter "*Malcolmo persona de insula Macholem.*"¹ This evidently refers to the island of Inchmahome, otherwise called St. Colmoc, and it shows that, at the date of the charter, the island and surrounding district had the benefit of a parson, under the direction of the Bishop of Dunblane.

¹ Cartulary of Cambuskenneth, pp. 160, 161.

ADAM, PRIOR OF INCHMAHOME, 1296.

This is the first Prior whose Christian name has been ascertained. Under the designation of "Priour de Ile de Seint Colmoth," he appeared, with the convent of the same, before King Edward the First of England at Berwick-on-Tweed, on 21st August 1296, and in company with many other Scottish priors, prioresses, and abbots, and their convents, swore allegiance to the English King, all sealing the letters-patent with their common seals.¹

Some years previously, about the year 1274, Pope Gregory the Tenth sent a nuncio into Scotland, called Boyamund de Vicee, to collect the tenths of all the ecclesiastical benefices for the Holy Land. The collection went popularly by the name of Bagimont's Roll, and extended over three years. The whole sum received by the collector during the three years amounted to seven thousand one hundred and ninety-five pounds, six florins, and sixpence, sterling. The contributions by the "Prior de Insula Sancti Colmoth" are for two years, the first £6, 13s. 5½d., the second nine marks, thirteen shillings, and one penny halfpenny (£6, 13s. 1½d.).²

MAURICE, PRIOR OF INCHMAHOME, 1305.

Maurice is the name of the second Prior, so far as has been ascertained. Under the name and designation of "Domino Mauricio, Priore de Insula Sancti Colmoci," he witnessed a charter by Alan, seventh Earl of Menteith, to Sir Walter of the Akynhewyde, knight, of the land of Thome in Menteith. The charter is without date, but was probably granted about the year 1305, judging by the period in which the granter lived, and also from the names of the High Steward, the Earl of Strathern, and others, as witnesses.³

¹ Ragman Rolls, p. 117.

² Theiner's *Vetera Monumenta*, pp. 109,

³ Vol. ii. of this work, p. 223.

115; Tytler's *History*, vol. i. p. 60.

No further notice has been found of this Prior Maurice. It was in his time, probably, that King Robert the Bruce made several visits to the Priory of Inchmahome during his long-continued endeavours to free Scotland from the armies of the English King, and to establish himself in the throne before it was finally settled in his favour by the decisive battle of Bannockburn.

In his struggles King Robert had also a number of the Scottish nobles to contend against, who preferred to maintain their allegiance to King Edward the First rather than risk a new attempt for national independence. Malise, Earl of Strathern, seems to have been one of these. At first he refused to become a faithful subject of King Robert, and only yielded the required submission when compelled by the coercion of the King and his Court. This took place at Inchmahome, whither the King appears to have gone shortly after his coronation at Scone. The circumstances of their meeting are narrated in a memorial presented to King Edward the First of England by Malise, Earl of Strathern. The memorial purports to set forth the truth as to the interview between King Robert and the Earl.

On the Monday after he was made King, Robert the Bruce sent letters of credence to the Earl of Strathern by the Abbot of Inchaffray, who requested the Earl to come to Sir Robert Bruce and render to him homage and fealty. The Earl answered that he would not come, for he had nothing to do with him. When Sir Robert Bruce heard how the Earl had replied, he and the Earl of Athole, with their forces, marched to Foulis, in Strathern, and sent of new to the Earl of Strathern a letter of safe-conduct, whereupon the Earl came to the wood of Crieff, where his people were assembled. And when the Earl consulted with his followers, Malcolm of Innerpeffry came at the same time with Sir Robert Bruce, and he, with others of his party, advised the Earl that he should go and speak to Sir Robert Bruce, since he had letters of safe-conduct. Then the Earl, to preserve his lands, and to avoid greater peril to his

body and life, because of his alliance with the Comyns, went in this manner to Sir Robert Bruce. When he was come, Sir Robert demanded of him homage and fealty, to which the Earl replied that he had not come there to do these, and prayed Sir Robert to suffer him to depart, as agreed in his safe-conduct. When Sir Robert Bruce heard that the Earl would by no means do homage, he bade him come on the morrow under the same conduct, to speak to him at Muthil. Afterwards the Earl of Athole came and spoke to the Earl of Strathern that he should, like himself, render homage to the King; to whom the Earl of Strathern replied, "I would not [that my faith] were as frail as yours," as he had broken his faith against the King of England. At this speech the Earl of Athole became angry, and advised his King to break the Earl of Strathern's safe-conduct, and to assign him to certain persons, namely, Sir Nigel Campbell and Sir Walter of Logan, to be guarded, while the Earl of Athole himself would go and send the Athole people into [Aberberledene?] and the Isle of Kenmor, so that the Earl might not enter in the isle, while they would in every way destroy and plunder the country. In this manner was the Earl seized and detained and conveyed by them to Inchemecolmoc, whereby the safe-conduct was falsified and broken. On their arrival at Inchemecolmoc, he still refused to do homage, when Sir Robert Boyd counselled his King [Bruce] that he should give away the Earl's lands and put him to death, by striking off his head and those of the others who refused to do homage. When the Earl heard this, he hesitated and did their will, and then they let him go.

Some time after, when Sir Aymer de Valence came to St. Johnstoun [Perth], Sir Robert Bruce sent letters to the Earl of Strathern to come with his power to Caledrath. The Earl refused to go, and sent the said letters to Sir Aymer. And when he was ready to come to St. Johnstoun to Sir Aymer,

then came Sir Robert Bruce to besiege the isle where the Earl was, and caused plunder and destroy the country. He [also] commanded the Earl of Strathern, through Sir Malcolm of Innerpeffray and others, to come and speak with him, but the Earl replied that he would not come without good hostages. So it came to pass that the Earl came under security of the Earl of Menteith and Walter of Moray to speak to Sir Robert Bruce, who demanded that upon pain of forfeiture he should come with him and his forces against St. Johnstoun, to fight with Sir Aymer de Valence. The Earl replied he would not go, and so he returned and delivered his hostages, as the Earl would neither bear arms nor make counsel to do hurt or grievance against the King [of England].

In this wise was the Earl betrayed, deceived, and his safe-conduct broken, and that the truth of this may be tried and proved, the Earl prays the King and his Council that the good peace of good people and laws may be granted to him.¹

King Robert was again at Inchmahome on the 28th September in the third year of his reign (1308). He had returned from his temporary shelter in the Islet of Rachrin on the coast of Ireland, and was still engaged in the struggle to regain his throne. For a considerable time the scene of his battles was in the south-west of Scotland, but he was afterwards driven northwards into Buchan, where he left severe marks of his presence in the overthrow of his old enemy, Comyn, Earl of Buchan, and the long-remembered harrying of his lands. Bruce thereafter proceeded to Aberdeen, and was successful in dislodging the English from the town and castle. He then cleared the country of them as he came down through Angus to Perth, and sent his brother Edward to meet the English army in Galloway. He himself went westwards to pay the debt he owed to John of Lorn, and after defeating his

¹ Sir Francis Palgrave's Documents and Records relating to Scotland, 1837, pp. clix, 319.

army in the field laid siege to his castle of Dunstaffnage, and compelled his submission. It was evidently on his return from this victory that King Robert, in passing through Lennox and Menteith, visited the island of Inchmahome the second time. He there confirmed a charter which his faithful adherent, Malcolm, Earl of Lennox, had previously granted to his usher, Sir John of Luss, of certain immunities and privileges therein stated. The confirmation by King Robert bears to be dated "apud Insulam Sancti Colmoci." The original charter is preserved at Rossdhu, the residence of Sir James Colquhoun of Luss, the descendant and representative of Sir John of Luss, to whom King Robert made the confirmation in 1308.¹

Yet another visit was paid by King Robert the Bruce to Inchmahome in the beginning of the year 1310, and this also probably in the time of Prior Maurice. Bruce had now thoroughly broken the English power in Scotland, and for the present what remnants were left of the southern garrisons were reduced to an enforced inaction. The prelates and clergy of the realm had met in council at Dundee, and solemnly affirmed King Robert's claim to be their rightful sovereign, engaging, at the same time, to defend his right and the liberties and independence of Scotland;² and there can hardly be any doubt that this proceeding was heartily indorsed by the Parliament and by the nation generally, as a historian suggests,³ though no record remains to verify the suggestion. It was a breathing space for the oppressed and struggling Scots, and in this interval of peace the King made his third, and, so far as can be ascertained, his last visit to the island of Inchmahome. The record of it has been preserved in a charter which was granted by King Robert "apud Insulam Sancti Colmoci," on the 15th of April 1310,

¹ The original Charter is both lithographed and printed in "The Chiefs of Colquhoun," by William Fraser, vol. ii. p. 276.

² Acts of the Parliaments of Scotland, vol. i. p. 460.

³ Tytler's History of Scotland, vol. i. p. 257.

in the fifth year of his reign. The charter narrates that John de Pollox hath been and is contrary to faith and fidelity, by adhering to the King's enemies, and by notoriously with all his might plotting treason, on account of which the King had caused all his goods to be seized and to be levied as escheat. From motives of piety the King thereby conferred on the religious men, the Abbot and Convent of Aberbrothoc, his faithful subjects, the whole goods, moveable and immoveable, of the traitor in recompence of the losses which the grantees had sustained on account of the war of Scotland. The grant was made under the King's private seal, and it contains an injunction to the chancellor to cause the grant to be renewed in the same terms, and to be confirmed by the seal of the kingdom.¹

From the terms of the grant it is probable that the John de Pollox thus forfeited by the King was the same person who, under the name of John de Polloks, was the Stewart (Senescallus) of the Abbot and Convent of Arbroath in the year 1299. He is so named in a writ of that date in the Register of Arbroath.²

King Robert may have been oftener at the Isle of Rest, as before the decisive battle of Bannockburn he had frequently occasion to evade encountering the armies of England. When he took shelter in Inchmahome and other places of safety, King Edward the Second boasted to the Pope that Robert the Bruce and his associates, whilst he was formerly in Scotland for repressing their rebellion, lurked in hiding-places like foxes.³

CHRISTIN OR CHRISTINUS, PRIOR OF INCHMAHOME, *circa* 1330—*circa* 1358.

This is the name of the third Prior who has been ascertained. Under the name and designation of Domino Christino, Priore de Insula Sancti Colmoci,

¹ From the Register of Abirbrothoc, folio xxiii. MS. at Panmure, and printed in Mr. Macgregor Stirling's *Priory of Inchmahome*, p. 117.

² Vol. i. p. 164, Bannatyne Club edition.

³ Rymer's *Fœdera*, vol. ii. p. 146.

he witnessed a charter by Alan, sixth Earl of Menteith, to William de Rusky, of the lands of Rusky, without date. The charter, along with another charter to be immediately mentioned, was transumed by the Magistrates of Edinburgh on the 11th October 1486, as appears from a letter by the late Mr. David Erskine, Writer to the Signet, Edinburgh, to General Hutton, dated 9th December 1789.¹

“Dompno Cristino, Priore de Insula Sancti Colmoci,” also witnessed a charter by Murdach, Earl of Menteith, son of Alexander, late Earl of Menteith, to Walter de Menteith, son of Sir John de Menteith, of the land of Thom and the Lanarkins, in the earldom of Menteith, with fishings upon the Teith.² This charter is without date, but was probably granted about the year 1330.

It may have been to this Abbot Christin, or to his successor, that King David the Second granted an annual payment of one hundred shillings sterling from the proceeds of the Sheriff offices of Fife and Perth. The Christian name of the Prior is not stated in the note of the grant preserved in the Index of Missing Charters, where the grantee is simply named “the Prior of Inchmahome.”³ The date of the grant is not given, but it had been previous to the year 1367, when it was revoked. This revocation seems to have been rendered necessary owing to the poverty of the royal revenues, which had never recovered the great ransom exacted by King Edward the Third for the liberty of King David the Second. This Prior Christin or his successor appears to have possessed some combative characteristics in addition to those usually attributed to the head of a priory. This

¹ *Fragmenta Scoto-Monastica*, 1842, p. ix.

² Original Charter at Blair-Drummond, printed in vol. ii. of this work, p. 225.

³ Robertson's *Index to the Missing Charters*, p. 51, No. 22, where the sum stated in the grant appears to be misprinted seven hundred

shillings for one hundred shillings. The latter sum is stated as the amount of the grant in a separate quotation from another Index of the Missing Charters, in Mr. Macgregor Stirling's *Priory of Inchmahome*, p. 119.

appears from the account of Henry of Fotheringham for Sir John of Daniels-toun, Sheriff of Perth, which was rendered at Dundee in the year 1358, in which there occurs the following entry:—"Forty shillings allocated to the accountant for a deforcement made to him by the Prior of Inchemacholmok, to the proving of which he obliges himself as above, that is, under the penalty which it merits."¹

Robert, High Steward of Scotland, afterwards King Robert the Second, was created Earl of Strathern by King David the Second in the year 1358. On the 12th of November of that year he appears to have been on a visit to Inchmahome, as in a dotation by Walter of Moray, Lord of Tullibardine, to Margaret Ly (lie, *i.e.* the) Bard, of the lands of Tullibardine and others stated in the grant, which bears to have been made "apud Insulam Sancti Colmaci," and to be granted with the consent of the granter's overlord, Robert Stewart, Earl of Strathern.² Not many years after that visit of the Earl of Strathern to Inchmahome, his second son, Robert Stewart, became the fourth husband of Lady Margaret Graham, heiress of Menteith. Through that marriage he was Lord of Menteith, and after his father's accession to the Crown he was created Earl of Menteith. He soon afterwards acquired the earldom of Fife, and was subsequently created Duke of Albany, as already shown in his memoir.

Between Prior Christin, already mentioned, and the next known Prior, there is a long interval of about 150 years, during which several Priors must have lived whose names have not been ascertained. In the Records of Parliament for 13th April 1481, the Prior of Inchmaquholmo is mentioned as present in Parliament, but his name is not given.³

¹ The Chamberlain Rolls, vol. i. p. 558.

² *Liber Insulæ Missarum*, Bannatyne Club edition, 1847, p. xlv.

³ Acts of the Parliaments of Scotland, vol. ii. p. 134.

DAVID, PRIOR OF INCHMAHOME, *circa* 1490—1493.

David was Prior on 18th March 1490, as appears from the report of a lawsuit at the instance of John Haldane of Gleneagles against David, Prior of Inchmahome. The Prior claimed from Haldane thirteen chalders of meal as the teinds of the kirks of Leny and Kilmadok. Haldane offered to prove that the payment was made by him to Henry, Abbot of Cambuskenneth, as factor for the Prior of Inchmahome, and that the Abbot had assigned five chalders and thirteen bolls of meal to Dean Gilbert Buchanan. The Lords of Council, before whom the cause depended, declared Haldane discharged of the victual at the hands of the Prior, and ordained Haldane to pay the five chalders and thirteen bolls to Dean Gilbert, adding that the Prior might pursue his factor for the same if he pleased.¹

In connection with the same cause, another entry occurs in the Record on 20th June 1491, of a complaint at the instance of the Prior and Convent of Inchmahome against Robert Buchanan of Leny, for the sinister purchasing of the King's letters to eject Dean Gilbert Buchanan, canon of Inchmahome, from part of the lands of Leny, beside the kirk of Leny, of which the Abbot and place had been in long possession. The Lords of Council decerned against the validity of the letters of removal of the Dean, and continued the cause till the third day of the next justice-ayre of Stirling for cognition; decerning further, that the said religious men should not be prejudiced in the possession of the lands in the meantime.²

Under this Prior David, John, the first Lord Drummond, acted as bailie on part of the lands belonging to the Priory. A misunderstanding arose between the Prior and Lord Drummond relative to the rights of the latter to the rents of the lands as his bailie-fec, and litigation took place before the

¹ *Acta Dominorum Concilii*, p. 184.

² *Ibid.* p. 202.

Lords of Council in the year 1491.¹ On the 19th of January 1492, in presence of the Lords of Council, the Prior took instruments that Lord Drummond produced an instrument containing a form of excommunication upon the said Prior, etc.² On the 24th of the same month there is a notice of the cause pursued by the Prior and Convent of Inchmahome against John, Lord Drummond, for taking from them the teinds and fruits of the lands of Lochfield, the Banks, Calquhollet, the two Collatis, and the Spittal towns. The Lords found that Lord Drummond had right to the subjects in dispute, as they were assigned to him as his fee of bailiary.³

On the 20th June 1493, in presence of the Lords Auditors, David, Prior of Inchmahome, granted that he had "in fermance and keeping" Dean Patrick Monteth, canon of the said place, as ordinary to him, whereupon Mr. David Monteth, procurator for Dean Patrick, asked a note and of the privilege of law.⁴

That Prior David lived until the year 1520 is doubtful, but the next person who is known to have held this benefice was

ANDREW, PRIOR OF INCHMAHOME, *circa* 1526—1530.

Andrew was Prior in the year 1526, as appears from a lease granted by him with the convent, assembled in chapter, to their servitors, Andrew Stewart and Elizabeth Maistertoun his spouse, and to the longest liver of them, and their executors and assignees, of no greater reputation nor degree than themselves, of the lands of Drumlannikloch, with twenty shillings worth of their lands of Arnielerycht, in their barony of Cardross and shire of Perth. That lease was signed and sealed at Inchmahome on 16th April 1526. It

¹ Acta Auditorum Concilii, p. 147.

³ Acta Dominorum Concilii, p. 265.

² Acta Dominorum Concilii, p. 262.

⁴ Acta Auditorum Concilii, p. 181.

bears the seal of the chapter and the signatures of the Prior, Sub-prior, and nine other members of the convent.¹

Andrew appears to have been the last Prior properly so called.

THE COMMENDATORS OF INCHMAHOME.

Subsequent to Prior Andrew, the Priory was given "*in commendam*" to several persons in succession, nearly all of whom were members of the Erskine family.

ROBERT, COMMENDATOR OF INCHMAHOME, 1531—1547.

This Robert was Commendator in September 1531.² He is called Robert Erskine in the note of a grant made by him, to be afterwards mentioned. He was probably Robert, Master of Erskine, although no writ in which he is so designated has been found.

This Commendator has received from the biographer of the great scholar, George Buchanan, the credit of having materially assisted in the education of Buchanan and his family. "Buchanan," says Dr. Anderson in his life of Smollett, "was born in the House of Moss, in the parish of Killearn. Having lost his parents in his infancy, he was educated by James Heriot, his maternal uncle. It is not generally known that his family was bred upon a lease of two farms hard by Cardross, granted by Robert Erskine, Commendator of Dryburgh³ and Inchmahome, to Agnes Heriot and her sons, Patrick, Alexander, and George Buchanan, in 1581 [1531]. This appears from a note taken from the papers of the family of Cardross, which got the Priory of Inchmahome at the Reformation, by the late Mr. David Erskine, Clerk to the

¹ Original Lease in H.M. General Register House, Edinburgh. Vol. ii. of this work, p. 329.

² *Fragmenta Scoto-Monastica*, p. viii.

³ Robert was not Commendator of Dryburgh. This is evidently a mistake for David, the writer being misled by the wrong year.

Signet, and communicated to Mr. Ramsay of Ochertyre."¹ In after years Buchanan became the preceptor of John, Lord Erskine, second Earl of Mar, who was educated along with King James the Sixth while Buchanan had charge of the education of the young King.

An instrument of resignation, made by Alexander, second Earl of Menteith, in favour of his brother Henry Graham, on 21st August 1534, in the court of the Monastery of St. Colmoe, on the island called Inchmohomok, gives the names of two of the canons there as witnesses, John Youngman and James Thomsoun. It was probably in the time of this Commendator that the marriage of Archibald, fourth Earl of Argyll, and Lady Margaret Graham, only daughter of William, third Earl of Menteith, was celebrated at the church of Inchmahome, by John Youngman, canon, according to the following note, which has been preserved:—

21st April 1541.—Solemnizatum fuit matrimonium inter Archibaldum Comitem de Ergadie et Margaretam Grahame filiam Willelmi Comitis de Menteith, apud Ecclesiam de Inchmahome per dominum Johannem Youngman, canonicum, tribus [temporibus] proclamatum apud Ecclesiam de Port et Dolarie.²

Robert, Master of Erskine, received from King James the Fifth a charter under the Great Seal, dated 23d February 1541, of the lands of Slurgarton, Drum of Kippen, and Arnbeg, with the milns and pertinents, lying within the Stewartry of Menteith, to be held of the King and his heirs in feu, for payment of £18, 14s. 5½d. yearly, with carriages and services use and wont, extending to £1, 6s. 8d., in augmentation of the rental. He was infeft in the lands on 1st April following.³

¹ Anderson's Life of Smollett, p. 12, 5th edition, Edinburgh, 1806. Dr. Irving's Memoirs of George Buchanan, 2d edition, p. 3.

31st January 1529 to 28th October 1542, in Town-Clerk's office, Stirling.

² Prothogol Book of John Graham, from

³ Original Charter and Instrument of Sasine at Gartmore.

This Commendator was in great favour with Queen Mary, Dowager of King James the Fifth, and she mourned his fate at the battle of Pinkie, on 10th September 1547. The poetic "Lament of the Maister of Erskine," by Alexander Scott, probably alludes to his sympathy with the Queen :—

"Depart, depart, depart, allace ! I most departe
From her that hes my heart, with heart full soir,
Agains my will indeed, and can find no remeid,
I wait the pains of deid can do no moir." ¹

He was succeeded by his younger brother John, who became Master of and Lord Erskine, and held the office of Commendator after his succession to that dignity.

JOHN ERSKINE, COMMENDATOR OF INCHMAHOME, 1548—1555.

This Commendator, John Erskine, was the third son of John, fourth Lord Erskine, and his wife, Lady Margaret Campbell, eldest daughter of Arehibald, second Earl of Argyll. Being a younger son, with little prospect in his early years of ever succeeding to the title and estates of the family, John Erskine was educated for the Church, and this early training in scholarship and business habits appears to have been of advantage to him when he afterwards succeeded to the title and estates of Erskine, the higher dignity of Earl of Mar, and the still higher honour of Regent of Scotland.

John Erskine was Commendator of Inehmahome in 1548, but besides holding this office, he was at the same time Commendator of the Abbey of Cambuskenneth. He is also said to have been commendator of the Abbey of Dryburgh, although the evidence of his having held this last office is not so

¹ Sibbald's Chronicle of Scottish Poetry, vol. iii. p. 115.

distinct as that of his having held the offices of Commendator of Cambuskenneth and Inchmahome.

John, Commendator of Inchmahome, and the convent assembled in chapter, granted a lease to Alexander Menteith in Polmontmill, and his sons, William, Henry, Archibald, and Alexander, of the lands of Lochend, extending to forty shillings worth in the rental of the priory, and lying within the lordship of Cardross and shire of Perth, for the space of nineteen years. The lease bears to be sealed with the common seal, at Inchmahome, on 29th July 1548, and is subscribed by John, Commendator, the sub-prior, and seven other members of the chapter.¹

According to the history of Buchanan of Auchmar, a well-known predecessor of his, the Laird of Arnprior and Gartartan in Menteith, received from John, Commendator of Inchmahome, a charter of the lands of Hornhaugh.² The grantee is therein designated of Gartartan, which was only one of his territorial designations, as he was also styled of Auchmar and Arnprior. But he was better known by his jocular and popular designation of King of Kippen. The origin of that royal style is explained by the family historian of the Buchanans. He says that while King James the Fifth resided at Stirling in the time of John Buchanan of Arnprior, carriers were very frequently passing along the common road, which was near to the mansion-house of Arnprior, with provisions for the use of the royal family. Arnprior having, at a particular occasion, need for supplies himself, ordered one of these carriers to leave his load at his house and he would pay him for it. The carrier refused. He was the King's carrier, he said, and his freight was for His Majesty's use. But his refusal had no effect with Arnprior, who compelled the carrier to discharge his waggon at his door, remarking that if

¹ Original Lease at Cardross. Vol. ii. of this work, p. 333.

² Buchanan's History of the Family of Buchanan, 1723, p. 60.

King James was King of Scotland he was King of Kippen, and it was but reasonable that he should share with his neighbour King in some of the loads so frequently passing that road.

This encounter with the King of Kippen was reported to His Majesty, who shortly thereafter, with a few attendants, paid a visit to his neighbour king. The King of Kippen was at the time at dinner, and King James was twice denied access by a tall fellow with a battle-axe who stood as porter at the gate, and told His Majesty there could be no access till dinner was over. Thus baffled, King James desired the porter to tell his master that the Goodman of Ballangeich¹ wished to speak with the King of Kippen. This soon brought his mock majesty to a humble reception of his real majesty. The two Kings had a joyous meeting. King James was so much pleased with the King of Kippen that he allowed him to take as much of any of the provisions he found being conveyed past Arnprior as he had occasion for. At the King's request, Arnprior made a return visit to His Majesty at Stirling. He continued in the royal favour, and always received, while he lived, the style of King of Kippen.²

John Erskine succeeded to the title of Lord Erskine on the death of his

¹ Ballangeich, or Ballochgeich, is a steep path on the north-west of the Castle of Stirling. King James the Fifth often travelled through the country in disguise under the designation of the Goodman of Ballochgeich. On one of these excursions the King was benighted, and took refuge in a cottage near the Moor of Alloa, where he was treated very hospitably for the night. The following morning, on leaving, the King invited his humble host to Stirling Castle, and told him to ask there for the Gudeman

of Ballochgeich. The host, whose name was Donaldson, availed himself of the invitation, and gave great amusement at Court. He was by King James dubbed King of the Moors, and his descendants inherited the cottage and small piece of land on the estate of Alloa till recent times, each succeeding representative being known by the honorary dignity.

² Buchanan of Auchmar's History, pp. 59, 60.

father in the year 1552. His two elder brothers, Robert and Thomas, who were successively Masters of Erskine, had both died without lawful issue. The former, as previously stated, was killed at the battle of Pinkie on 10th September 1547, and the latter died in the year 1551. Robert, the elder brother, left a natural son, David, afterwards appointed Commendator of Dryburgh and Inchmahome; and Thomas, the second brother, also left a natural son, Adam, who became Commendator of Cambuskenneth. After the succession of John Erskine to the title of Lord Erskine in the year 1552, he continued to hold the office of Commendator of Inchmahome¹ till the year 1555, when he was succeeded by his nephew David Erskine. During his tenure of the title and estates of Lord Erskine, which was for a period of thirteen years, from 1552 to 1565, John, Lord Erskine, became a prominent statesman in the affairs of Scotland. He held several heritable offices of importance, and was governor of the Castle of Edinburgh. On the occasion of the marriage of Queen Mary and Darnley on 29th July 1565, he was created Earl of Mar, and was thenceforth known as such until the time of his death, which took place on 29th October 1572. In the previous year, on 6th September, he was chosen Regent of Scotland in succession to Matthew, Earl of Lennox, and occupied that high office with great acceptance from all parties in the State during the short time he survived his elevation. To this Earl of Mar, while Governor of and residing in the Castle of Edinburgh, Queen Mary committed the care of her infant prince James, afterwards King James the Sixth, shortly after his birth in June 1566. The Earl was very faithful to this trust, and retained possession of the Prince, notwithstanding the attempts of Bothwell to deprive him of his charge; and his services were thankfully acknowledged both by King James and the Parliament afterwards.

¹ Cartulary of Cambuskenneth, 1872, p. xcvi.

DAVID ERSKINE, PRIOR OR COMMENDATOR OF INCHMAHOME,
1555—1608.

This Prior was a natural son of Robert, Master of Erskine, by Mrs. Jean Home. David Erskine was appointed Prior of Inchmahome on the fourth of the Ides (the 10th) of January 1555, and he obtained possession on 5th December 1556. The Bull of Pope Paul the Fourth appointing David Erskine, another Bull by the same Pope permitting him to hold *in commendam* the monastery of Dryburgh while retaining his office of Prior of Inchmahome, and the form of oath to be taken by him, with the instrument of process following on the Papal Bulls, are all printed in the second volume of this work.¹ In those official documents the new Prior is designated as "a venerable man, Sir David Erskine, clerk of the diocese of St. Andrews."

It was about the same time that he was appointed Commendator of Dryburgh, and he is best known in history under this designation. He likewise held the Archdeanery of Brechin, which his uncle, John, Earl of Mar, had received in acknowledgment for his services, and had granted with the other offices to this Commendator.² Appointed to these offices when the tide of the Reformation was beginning to flow over the existing ecclesiastical establishments, occupying his position in a modified form long after the period of the Reformation, and mixing in important transactions of his time, this Commendator of Inchmahome and Dryburgh was, with the exception of his immediate predecessor, John, Earl of Mar, the Regent, the most conspicuous person of those known to have held these offices. The Regent held the office of Commendator only for a few years, and all the

¹ Vol. ii, of this work, pp. 335-349.

² Register of the Privy Council of Scotland, vol. ii, p. 347.

important incidents of his life occurred after he ceased to be connected with that office; while in the case of his nephew, David Erskine, all the important transactions of his life occurred during his tenure of the offices of Commendator of Inchmahome and Dryburgh.

In the year 1562 several transactions took place between the Commendator and Convent of Inchmahome on one side, and John, Lord Erskine, on the other, which appear to have been very profitable to his Lordship, as he thereby obtained grants of valuable lands belonging to the Priory, and also the lucrative heritable office of bailie over the barony of Cardross. It was probably understood when Lord Erskine resigned his office of Prior, and provided his nephew as his successor, that these arrangements were to be carried through, and in fulfilling them the following charters were granted by the Commendator:—

David Erskine, as Commendator, and the Convent of Inchmahome, granted, on 8th August 1562, to John, Lord Erskine, and his heirs-male, the lands of Boirland, called the dominical lands or mains of Cardross, extending to a ten mark land of old extent in the shire of Perth.¹

On the same day, David Erskine, as Commendator, with the Convent, granted a charter to John, Lord Erskine, and his heirs-male, of the office of bailie of their barony of Cardross, and of all other lands belonging to them in Scotland. The charter also granted to their bailie the feu-farms and duties of the following lands in the barony, viz. :—Arnprior, Cardene, Kepe, Wester and Easter Poldoir, Garteledeny, with the Mill of Arnprior, Arnevicar, Gartours Over and Nether, Lochend, Mill of Cardross, Ardinclerichte, Drummannikloche, Blairsessenoche, Ballingrew, Hornahie, Waird of Guddy, with the astricted multures of said lands and the lands of Boirland, called the dominical lands of Cardross. The quæquidem of the charter bears that the

¹ Vol. ii. of this work, p. 349.

office of bailie belonged to James Erskine of Little Sauchy, brother-german of John, Lord Erskine, last deceased, as heritable proprietor, and that the said James Erskine had resigned the office, etc., in the hands of the Commendator in favour of John, Lord Erskine, the grantee.¹ Lord Erskine was infeft in his office of bailie of Cardross, etc., on 18th August 1562, as appears from the instrument of sasine in his favour bearing that date.²

John, Lord Erskine, and his brother, Alexander Erskine of Congloir (afterwards Earl of Kellie) had, in the year 1560, exchanged the lands of Arneprior, Gardene, Kepe, Easter and Wester Poldoir, Gartcedeny, the Mill of Arneprior, the lands of Arnevicar, Gartours Upper and Nether, Lochend, Mill of Cardross, Ardinclericht, Drummankloche, Blairsessenoch, Ballingrew, Hornahaic, Waird of Gudy, all belonging to Alexander Erskine, for the half of the lands of Cambusbarron, etc., in the shire of Stirling, belonging to Lord Erskine. David Erskine, as Commendator of Inchmahome, granted, on 12th August 1562, a charter of confirmation of the charter of excambion made on 5th October 1560 by Alexander Erskine in favour of his brother, John, Lord Erskine.³

Another grant was made at that time by the Commendator and Convents both of Dryburgh and Inchmahome in favour of Lord Erskine. It was a gift of a yearly pension of five hundred merks. The gift is dated at the Castle of Edinburgh on the last day of December 1562, and the charter granting it bears to be made in consideration of the manifold good deeds done to the granters by John, Lord Erskine, in defence of them and their lands, and causing them to be answered of the fruits, profits, and emoluments thereof, without whose good labours and diligence they had been utterly overthrown in the troublous times, and had not been answered nor obtained "one penny" of their rents for their sustentation; and in respect of the great,

¹ Vol. ii. of this work, p. 353.

² *Ibid.* p. 357.

³ *Ibid.* p. 395.

large, and sumptuous expenses and charges debursed and sustained thereupon by him, and also for his good and favourable maintenance, to continue therein. The pension was to be paid out of the rents of the lands of the Abbeys of Dryburgh and Inchmahome, that is to say, the fruits of the kirks of Gulane, Chyndilkirk, Pencaitland, pertaining to Dryburgh, and the fruits of the kirk of Lintrethen, pertaining to Inchmahome, and the lands of Bordland in the barony of Cardross, also belonging to Inchmahome.¹

Assuming the narrative of the important services which were rendered by Lord Erskine to the Abbeys of Dryburgh and Inchmahome to be correct, he deserved some return from the Commendator and Convents of these Houses, and the grants of lands, offices, and pension which he received appear to have been ample compensation.

In the same year, 1562, on the 16th of January, David, Commendator of Dryburgh and Inchmahomok, with consent of the Convent of Inchmahomok, granted a lease to their servitor, Allan Oliphant, and his heirs, of the teinds of the lands under written, extending yearly to forty bolls victual, pertaining to them as part and patrimony of the Abbey of Inchmahomok: the lands of Neutoun of Down, eighteen bolls meal and two bolls bear; the lands of Wester Row, sixteen bolls meal and five bolls one firloft bear, and three firlots bear.²

David Erskine was for a long period Commendator of Inchmahome, and many transactions in connection with his office are recorded. During his time many troubles assailed the State, with which, both from his office and his connection with the Erskine family, he was brought much in contact; but, with the exception of his connection with these, little is known of his personal history. Father Hay says he was an exceeding modest, honest, and shamefaced man. He was of the party of the Reformers, a follower of

¹ Vol. ii. of this work, p. 362.

² Original Lease at Cardross.

the Regent Murray, and a member of his Privy Council. He sat in Parliament as Commendator of Dryburgh and Inchmahome as early as the year 1560, when the Scots Confession was agreed to, and ratified by the Parliament;¹ and again in the second session of the Parliament of 1567, at which the Confession of Faith was ratified a second time, and the regency of James, Earl of Moray, during the minority of King James the Sixth, confirmed. The Commendator sat also in the Parliament of 1568, and after the return of the Regent Murray from the conference with the Commissioners of Queen Elizabeth and Queen Mary at York, was present in a Convention held at Stirling on 12th February 1569, and following days, at which the proceedings of the Regent at York were approved, and he sat in another Convention at the same place, when the submission of the Earl of Huntly and his party was made to the Regent Murray.

After the assassination of this Regent and his successor, Matthew, Earl of Lennox, John, Earl of Mar, was chosen Regent, and by him and the Parliament which met at Stirling on 28th August 1571, David Erskine was appointed one of a numerous and influential commission to proceed to the Borders and confer with a like commission from Queen Elizabeth on matters respecting the weal of the two countries.² The Commendator, with the rest of the clergy and Parliament then present, took oath of fealty to King James the Sixth and the Regent Mar, and was chosen one of his Privy Council on 7th September 1571.³ On the same day he, with others, signed an admonition by the Parliament met at Stirling to those who still held out for Queen Mary and were then in possession of Edinburgh Castle. In it they were exhorted to cease their efforts and yield obedience to King James, or it would be at their own peril if they persisted.⁴

¹ Acts of the Parliaments of Scotland, vol. ii. p. 525.

² *Ibid.* vol. iii. p. 64.

³ *Ibid.* p. 69.

⁴ *Ibid.* p. 70.

The Privy Council met at Leith on the 2d December 1571, when David, Commendator of Dryburgh and Inchmahome, was present, and the Earl of Morton reported to the Council the result of the Commission's interview with Lord Hunsdon, Lord Governor of Berwick and Commissioner for Queen Elizabeth. The Commissioners were thanked by the Council for their labours, and discharged.¹ Whether the Commendator accompanied the rest of the Commissioners to Berwick or not does not appear, as none of the other names are given, but it is probable he did. About this time the Regent Mar granted a charter, dated 19th February 1571, of the lands of Slugarton, Drum of Kippen, and Arnbeg, to David, Commendator of Dryburgh and Inchmahome, and the heirs-male of his body, to be held of the Earl in feu.²

The death of the Regent Mar took place on the 28th October 1572, and a meeting of Parliament was held to choose a successor. James, Earl of Morton, was elected in preference to Alexander, Earl of Glencairn, and Morton received the obligations of the others to support him. The Parliament met on the 24th of November 1572, and on the following day proceeded to arrange for the safe keeping of the young King, as by the death of the Regent, in whose care he had been almost since his birth, he was without a guardian. The Parliament highly praised the fidelity of the late Earl of Mar and his Countess, and resolved not to remove the King from her care. He was also to continue under the tuition of his present pedagogues, George Buchanan and Peter Young, for instruction in religion, doctrine, and manners, and to remain in Stirling Castle. That castle was to be kept and preserved as formerly, in name of John, Earl of Mar, son of the late Regent, heritable feuar of the castle, who was to continue in the company and service

¹ Register of the Privy Council of Scotland, vol. ii. p. 99.

² Original Charter at Gartmore.

of the King, with whom he had been brought up. Four friends of the House of Erskine, Robert, Earl of Buchan, David, Commendator of Dryburgh, Alexander Erskine of Gogar, and William Douglas of Lochleven, were appointed, two of whom were to be always present and resident within the Castle of Stirling to see that His Majesty's house was kept and furnished, and that such duty was paid for attending on his person as was heretofore customary, or might be found expedient.¹

An Act had been passed in December 1560, ordering the holders of benefices throughout the whole country to prepare and produce, before the Queen's Majesty and her Lords of Council, exact rentals of their rents and profits, in the course of the next two months. It was intended that the third of these should be paid into the Treasury for the double purpose of supporting the ministers of the gospel and maintaining the Queen's household; and if the third did not prove sufficient, a larger proportion was to be paid.² It was afterwards resolved that the proportion to be paid should be one-third. Another Act, passed in the year 1567, ratified the former, and decreed, that owing to certain irregularities, by which the ministers had been defrauded of their stipends, the third was to be applied first to the paying of the ministers, and only the surplus to the use of the King.³ To insure this, it was left to the ministers themselves to see to the uplifting of these thirds, as the proportions of the Church rental were called.⁴ For a considerable time, through the favour of Queen Mary, the Commendator seems to have enjoyed an immunity from payment, but she being now removed, they were demanded from him by the ministers. He petitioned the General Assembly for a remission, and they referred the matter to the Regent and Commissioners having cognisance of the affairs of the Church.

¹ Acts of the Parliaments of Scotland, vol. ii. p. 81.

² *Ibid.* p. 607. ³ *Ibid.* vol. iii. p. 24. ⁴ *Ibid.* p. 37.

The matter was discussed at a meeting of the Privy Council held at Holyrood-House on 20th March 1574, and the following minute was entered on the Register:—

Anent the supplicatioun presentit to the Generall Assemblie of the Kirk be David, Commendatere of Dryburgh, and fra the same remittit to the Regentis Grace and personis nominat for treating of the effaris concerning the Kirk, makand mentioun;—how the Abbay of Dryburgh, Pryorie of Inchmahom and Archedenerie of Breehin, wer gevin be the Princes for the tyme, in reward of service, to umquhile the Erl of Mar, lait Regent to oure Soverane Lord, his realme and liegis, and his brethir and freindis of his hous,—the titillis of the same benefices ar now in the persoun of the said Commendatere, althocht litill of the proffeit thairof. Nevirtheles, he is gevin in be the colleetouris in thair comptis as restand and at the horne for the thridis of his saidis benefices of diverse yeris bigane; quhilk sowmes now calculat cumis to greit sowmes of money, far abone his abilitie to pay, howbeit, fra the first Act of the thridis unto the Kingis coronatioun, he had his saidis thridis alwayes dischargeit be the Quene oure Soverane Lordis moder than bering autoritie. And sensyne having trewlie servit in the commoun eaus of defenee of the religioun and mantenance of the King oure Soverane Lordis autoritie, he hes spendit not onelie the haill thing quhilk he could haif of the saidis benefices, bot large sowmes besydes takin on his eredit, for payment quhair of he standis indettit, nevir thinking to haue bene put at for payment of his saidis thridis, in consideratioun that frome the begynning he had bene owerlukit and not preissit with payment thairof; humely requiring, in consideratioun of the premissis, that he mycht be dischargeit of his saidis byrun thridis, and relevit of the dangeare of horning, usit or to be usit aganis him thairfore. Quhilk supplicatioun being ryplie avisit be the Regentis Grace and the Lordis and utheris appointit and nominat for the saidis effaris of the Kirk, eftir consideratioun of the circumstances and of the requeist of the Generall Assembly maid to the effect underwritin, thay have in ane voce dischargeit, and be the tennour hei of dischargeis the said Commendatere of his saidis byrun thridis, of all yeris bigane preceding the erop and yeir of God j^mv^c thre scoir threttene yeris instant, and will,

grantis and consentis that he be simpliciter relaxt fra the saidis hornings in tyme cuining.¹

The Commendator of Dryburgh was present at a meeting of the Privy Council at Stirling on 15th September 1577, when some alterations were made in the arrangements for the attendance on the young King. James had now attained his twelfth year, and it was resolved, while acknowledging the careful and honourable attention and nursing of Annabella, Countess of Mar, hitherto, that he should in future be served and attended in his chamber by men, the ordering of which was committed to Alexander Erskine of Gogar, Master of Mar, who was also appointed to the charge of the Castle of Stirling.² In the month of March following King James himself assumed the Government,³ and appointed David Erskine, Commendator of Dryburgh, one of his Councillors extraordinary, not to have a seat in the regular Council, but only when called by the King.⁴ He, however, by virtue of the appointment in the preceding year, was one of the personal attendants of King James, and was employed by his Majesty in work both delicate and difficult in the unsettled state of the nobles. When his Majesty resolved to call a meeting of his whole Council for Friday, the 2d of May 1578, at which he himself should preside, and took under his special protection all the nobles and others summoned to attend the meeting, the Commendator of Dryburgh, along with the Earl of Mar and the Commendator of Cambuskenneth, were appointed to see the safe-conducts observed. They were taken bound to do this, and pledged themselves in the following terms:—

Thairfoir we undersubscrivand, attending upoun his Majesteis service and persoun within his Castell of Striveling, faythfullie promiseissis upoun our trewth and allegiance to his Majestie, that we sall cairfullie travell to se his Hienes ordour, protection, and

¹ Register of the Privy Council of Scotland, vol. ii. p. 347.

² *Ibid.* p. 633.

³ *Ibid.* p. 677.

⁴ Acts of the Parliaments of Scotland, vol. iii. p. 119.

saulfgard abonewrittin, observit and keptit unviolat be us or ony of us, or thame quhome we may let and command; nayther sall we particularlie follow, assist or favour ony of the saidis nobill men or utheris pretending to attempt onything in the contrair, or mak provocation of displeasour in word, deid or countenance, and resist and repres the authouris of ony sic thing at the uttirmest of our possibilitie, as we will answer to God and his Majestie thairupoun. Subscrivit with our handis at the Castell of Striveling the xxix day of Apryle, the yeir of God j^mv^olxxviii yeris. Sic subscribitur: Mar, Cambuskynneth, Dryburgh.¹

The young Earl of Mar was only eleven years old when his father died. When he reached the age of seventeen, a controversy arose between him and his uncle, Alexander Erskine of Gogar, about the custody of the King, each claiming the privilege. Alexander Erskine had assisted his brother, the late Regent, in taking care of his Majesty, and was appointed by the Council, as formerly stated, to be principal guardian, and to have the charge of Stirling Castle. The young Earl, on the other hand, seems to have considered it his right to be keeper of the King's person, and also of the Castle of Stirling; while the friends of the House of Erskine were divided between the uncle and nephew. The Privy Council, at its meeting on 3d May, set itself to compose the differences, and arranged matters on a slightly different footing. His Majesty was still to remain in Stirling Castle, but under the chief care of John, now Earl of Mar, with whom several of the nobles and others became cautioners for the King's safety. John, Earl of Mar, by himself and his friends and servants, was to keep the Castle of Stirling on behalf of his Majesty, and attend upon him. In relieving Alexander Erskine of Gogar from this service, the Council conferred upon him the office of Captain and Keeper of Edinburgh Castle, to which he was to proceed, and put it in a state of defence; while they assured him that, whenever it should please the King

¹ Register of the Privy Council of Scotland, vol. ii. p. 697.

to send for him, or he himself thought good to return, he would be welcome, and have access to his Majesty's presence, to serve him at his table or in his chamber, with the Earl of Mar. The instruction of the King in literature and religion was to be continued under George Buchanan and Peter Young.

These arrangements being made, the Earl of Mar and Alexander Erskine, the Master of Mar, were charged to perform their duty to each other cordially and kindly as became uncle and nephew; and the friends of the House of Erskine were enjoined to do their part. The Council say in their resolution hereanent:—

Lykeas the Commendataris of Dryburgh and Cambuskynneth, the Lard of Drumquhassill, his broder, and Johnne Reid of Aikinheid, with all utheris the freindis, servandis, and dependaris of the saidis Erl and Maister of Mar, sall everie ane do thair freindlie dewitie, and stand in freindschip with uther without grudge or forder mislyking heireftir, and trewlie concur in luif and freindschip, and for the service and preservatioun of the Kingis Majestie, as thay will answer to God and his Hienes thairupoun; for the quhilk thay have and sall mak thair solempnit aythis in his Majesteis presens.¹

In accordance with the injunction of the Lords of the Privy Council, the friends of the House of Mar entered into a bond the same day to stand by the Earl of Mar in the arrangements made by the Council for the King's safety. The bond is as follows:—

Be it kend till all men be thir present letters, we, of the freindis of the hous of Erskiu undersubscrivand: That forsamekill as the Kingis Majestie with avise of his Prevy Counsale, having cair of his Majesteis suir preservatioun and godlie and vertuus educatioun, his Hienes with thair advise, hes thocht it convenient that his Majestie yit still remane within his said Castle of Striveling; and for that effect Johnne Erl of Mar Lord Erskin, as principall, taking and ressavng upoun him the charge of the attendance upoun his Majesteis persoun and preservatioun thairof, and keeping

¹ Register of the Privy Council of Scotland, vol. ii. p. 690.

of his Hienes Castell of Striveling during his Hienes being thairin ; and nobill and nichtie Lordis, Johnne Erll of Atholl Lord of Balvaay Chancellair of Scotland, Archibald Erll of Angus Lord Dowglas and Abirnethy, Coline Erll of Ergyle Lord Campbell and Lorne, Johnne Erll of Montrois Lord Grahame, Williame Lord Ruthven Thesaurare of Scotland, and Patrik Lord Lindesay of the Byris, as cautionaris and souirteis, with the said Erll of Mar, ar becum actit and obleist upoun thair faythis, honouris, and allegeances, that the said Erll, be himself, his freindis and servandis, for the quhilkis he salbe answerabill, sall keip the said Castell of Striveling, in name and to the use and behuif of oure Soverane Lord, and sall alsua attend upoun his Hienes maist nobill persoun, and preserve the samyn within his said Castell, with certain utheris conditionis, under the panis of thair lyffis and heretage, as in ane act subscrivit thairanent mair largelie is contenit. And seing the said honorabill charge can not be suirle nor sufficientlie usit without the ernist gude will assistance and concurrence of us, the freindis of the said Erll of Marris hous ; thairfoir to be bundin and obleist, and be the tennour heirof faythfullie bindis and obleissis us upoun oure faythis honouris and allegeance to concur and assist with the said Johnne Erll of Mar, in the diligent performing of his charge abone specifeit ; and that he and we sall freith, releif, and keip the saidis cautionaris and souirteis skaythles and blameles, as we will answer to oure Soverane Lord and his autoritie upoun our honouris, and under the pane of our lyffis and heretage. Attour, we ar content that this oure obligatioun be actit and registrat in the bukis of Prevy Counsale ad futuram rei memoriam. In witnes heirof, we have subscrivit thir presentis with our handis as followis, at the Castell of Striveling, the thrid day of Maii the yeir of God $\text{j}^{\text{m}}\text{v}^{\text{c}}\text{lxxviii}$ yeris. Sic subscribitur : Mar, Buchane, Alexander Maister of Mar, James Esrkin of Littill Sawehy, Tulibardin Comptroller, Cambuskynneth, Dryburgh, Johnne Murray of Tuchadam, Robert Erskin fear of Dun, James Colvile of Eistir Wemys, Williame Dowglas of Lochlevin, George Buchannane of that Ilk, Alexander Forester of Garden, James Edmestoun of Duntreth, Johnne Birsbane of Bischoptoun, Johnne Erskyn, Johnne Levingstoun, Robert Murray of Abircairny, James Galbrayth of Kilcovich (? Kilcreuch), D. Lindsay of Edzell.¹

¹ Register of the Privy Council of Scotland, vol. ii. pp. 690, 691.

With the return of James, Earl of Morton, to the principal place in King James's Council, the Commendator sat as one of the Council, and was formally appointed a member on the meeting of Parliament at Stirling on 15th July 1578. He was one of the twelve non-official members who were appointed to wait upon the King at Stirling in relays of four, the period of stay for each quaternion being two months. The first four were to begin on the 1st August, to be relieved on the 1st October by the second division. David Erskine was in the third, and his first period of waiting, along with his other three fellow-attendants, the Earls of Eglinton, Rothes, and Glencairn, was from 1st December to 31st January, and so on, each party being two months out of every six in Stirling with his Majesty.¹

At the same meeting of Parliament an Act was passed publicly thanking the family of Mar for their faithful services to King James; and the Commendator is specially mentioned, along with the Earl and others, for worthy, true, thankful, and good service done in the preservation and care of the King.² This new arrangement, however, did not continue long, as in September 1579 King James removed to Holyrood, and in consequence his tutelage under the Earl of Mar at Stirling ended. At that time the Privy Council granted, and in the month of November following the King, in Parliament at Edinburgh, ratified a full exoneration and discharge to the Earl and his mother, the Dowager Countess Annabella, as well as to the Commendator of Dryburgh and others who had been employed in the same service, which contained the testimony of the Lords of Council to the faithfulness and devotion with which their offices had been discharged.³

During the years 1578 and 1579, David Erskine was a close attender of the meetings of the Council, and on the last day of the meeting of the Parliament at Edinburgh, he was "established" as a member of the Privy

¹ Acts of the Parliaments of Scotland, vol. iii. p. 96. ² *Ibid.* p. 102. ³ *Ibid.* p. 158.

Council. During the supremacy of the Earl of Morton the Commendator of Dryburgh had a voice in the Council, but when that nobleman fell before the rising influence of Esme, Duke of Lennox, David Erskine, as one of Morton's friends, lost his position and shared the misfortunes which befel the party. He became one of the Ruthven Raiders, having subscribed the secret band into which a number of the nobles, with several ecclesiastics and gentlemen, had entered to deliver the King and the country from the Lennox faction. At first they were successful and managed to procure the exile of Duke Esme, who soon afterwards died in France. But the news of his death provoked the King to form a new Council, and to proceed to revenge the Raid of Ruthven. Although formerly he had expressed his approval of the step taken by the Gowrie party, he now denounced it as treason, and threatened the penalties of the law against all concerned in it, unless they humbly sought his mercy and pardon. Adam, the Commendator of Cambuskenneth, who had been one of the Ruthven Raiders, was ordered to depart out of the three kingdoms of Scotland, England, and Ireland; and that he would do so, a bond of caution to the extent of £10,000 was drawn up, subscribed by David Erskine, his cousin, Commendator of Inchmahome, and three others.¹ It seems, however, that the Abbot of Dryburgh betook himself, with John, Earl of Mar, and the Abbot of Cambuskenneth, to Ireland, whence, after a short stay, they returned to take part with the Earl of Gowrie in an attempt to overthrow the Arran administration. The Earls of Mar and Angus, among others, with the Commendators of Dryburgh and Cambuskenneth, surprised and took possession of the Castle of Stirling, from which they were charged to remove within six hours under pain of treason.² Disheartened by the capture of the Earl of Gowrie, the occupants of the Castle, at the approach of the King's troops,

¹ Register of the Privy Council of Scotland, vol. iii. p. 619.

² *Ibid.* p. 657.

fled towards England, and a proclamation was issued commanding the Wardens of the Marches, and all faithful subjects of King James, to pursue them with fire and sword by night and by day, under pain of treason, and promising the slayer or capturer of any of them the possessions of his prisoner as a reward.¹ David Erskine was one of these, and in consequence of his assistance to the Gowrie party, was, by an ordinance of Council on 10th May 1584, commanded to surrender the abbeys, houses, and fortalices of Dryburgh and Inchmahome.² On the following day proclamation was ordered by the Council to be made, charging all who took part in the withholding of Stirling Castle to depart forth of the realm before 1st June next, and on no account to return "during their lifytymes" under pain of death. For the fugitives, however, and David, Commendator of Dryburgh, is mentioned as one, another fate seems to have been reserved, as the officers of the law were directed to find out the names of their "household-men and serving-men," and to apprehend any of them, as well as the conspirators themselves.³ They were summoned at the market-crosses of the principal burghs to compear before Parliament, which was appointed to meet at Edinburgh on 20th August 1584, but failing to comply with this summons, they, and with them David Erskine, were declared to be traitors and underlying the penalties of treason, while their lands were escheated to the Crown.⁴ The King lost no time in providing the Priory of Inchmahome to one of his favourites. By a letter under the Great Seal, dated 23d August 1584, being only three days after the forfeiture, King James provided the Priory for life to Henry Stewart, lawful son of James, Lord of Doune.⁵

¹ Register of the Privy Council of Scotland, vol. iii. p. 659. ² *Ibid.* p. 663. ³ *Ibid.* p. 664.

⁴ Acts of the Parliaments of Scotland, vol. iii. p. 344.

⁵ Registrum Magni Sigilli, Lib. xxxvi. No. 10.

During his exile in England, the Commendator probably sojourned in Berwick-upon-Tweed. He, however, communicated with his friends in Scotland, who were involved in trouble by treasonable communication with him, and suffered the extreme penalty for their conduct. David Home of Argaty in Menteith, an adherent of the Earl of Mar, was indicted and tried on 8th December 1584, for treasonable intercommuning with John, sometime Earl of Mar, and David, sometime Commendator of Dryburgh, the King's traitors, in receiving letters from them, and from Patrick Home, nephew of the said David Home, servitor to Mar. The letters were given to the accused by Robert M'Willie, whom he received at Argaty in passing and re-passing to England in the preceding months of July, August, and September. The Assize found the Laird of Argaty guilty in receiving the boy Robert M'Willie, and concealing the letter sent by him from Patrick Home from England, and also receiving commendations from the Abbot of Dryburgh from England, and pronounced doom of forfeiture, and that the Laird of Argaty should be taken to a gibbet at the Cross of Edinburgh, and there hanged, quartered, and drawn as a traitor, and all his lands, etc., be escheat to the King's use.¹ Thus the unfortunate Laird of Argaty, for merely communicating with the Commendator of Inchmahome and his associates, suffered the severest penalty of the law—a fate worse than that which befell many of the principal rebels.

In the month of March following, another of the Homes was charged before the Privy Council for intercommuning with the Commendator. The information was laid by George Home of Wedderburn, who deponed that George Home, son of Alexander Home of Manderston, when lately sent to apprehend David Home of the Law, met secretly by night with his brother, the Prior of Coldingham, at Tweed. He further deponed that John Home,

¹ Records of the Justiciary Court and Pitcairn's Criminal Trials, vol. i. Part II. p. 136.

called "the Hunter," brother-german to the said Alexander, played publicly in Berwick at pastimes with some of the declared traitors and rebels of the King now remaining in England, kept company with David, sometime Commendator of Dryburgh, at table, ate and drank with him, and had sent warning to John Home of the Law, called "Black Johnne," to escape lest he should be taken. King James, however, with the Council, declined to accept the accusation, and declared the case against George and John Home not proven.¹

There are on record two leases granted by David Erskine as Commendator of Inchmahome shortly before his forfeiture. On the 1st of March 1580 he, with the Convent, granted to Maister Richart Halden, Sub-dean of Dunkeld, a lease of the teinds of various lands in the barony of Cardross, in the parish of Port.² Again, at Cardross, in the year 1583, he granted a lease to James Seton of Tullibody and John Seton his son, of the teindsheaves of the kirk of Lany, in the diocese of Dunblane and shire of Perth. The teindsheaves of the kirk of Lany were a part of the patrimony of the Priory.³

During the forfeiture and absence of David Erskine in England, the King ratified a grant made by the Commendator of Inchmahome in favour of Patrick Bathock of a yearly pension of nine merks out of the lands of Gartavertyne, in the stewartry of Menteith. In the ratification by King James, David is designed "sometime Commendator of Dryburgh and Inchmahome."⁴

Upon the forfeiture of David Erskine, the Commendatorship of Dryburgh Abbey was conferred upon one William, who sat in Parliament under the title. But his enjoyment of the office was short, lasting only till the end of

¹ Register of the Privy Council of Scotland, vol. iii. p. 729.

² Original Lease at Cardross.

³ Vol. ii. of this work, p. 364.

⁴ Original Lease in the possession of David Erskine, Esq. of Cardross.

the year 1585. In November of that year the Earl of Mar and the rest of the banished Lords returned from England with a large force, and having overthrown the power of Arran, installed themselves in the principal fortresses, and formed a new Administration. A few weeks later a general act of indemnity was passed by the King, and David Erskine was restored under its protection to his former offices, honours, and estates.

After his restoration, David Erskine is found again granting leases of portions of his Priory estates, both as Commendator of Dryburgh and Inchmahome. In the latter capacity he granted, on 4th March 1586, a lease of the teinds of Wester Lanark to Mr. Duncan Neven, schoolmaster at Dunblane, for teaching of the youth.¹ On 20th April 1587, David, Commendator of the Abbey of Inchmahome and the Convent thereof, granted, at Cardross, a lease to his cousin, Michael Elphinstone, domestic servitor to King James the Sixth, of the teindsheaves of the lands of Gartincaber, Wester Spittleton, Murdochstoun, Ballintoun, and M'Corranestoun, in the parish of Kilmadok, stewartry of Menteith, and shire of Perth.²

No other records relating to the Priory of Inchmahome in the time of this Commendator have been found, but a few of his transactions in connection with Dryburgh may be here noted as furnishing information of the remainder of his life. As Commendator of Dryburgh, he granted, at Cardross, on 10th June 1600, a lease of the teinds of the Mains of Mertoun to Rawlff Erskine in Dryburgh. It is granted without the usual consent of the Convent, and signed by the Commendator alone, excepting the witnesses, for the reason stated in the document, that all the Convent thereof are now deceased.³

In the year 1604 the temporal lordship and barony of Cardross was

¹ Authenticated copy by the Lessee in 1617 in the possession of the Earl of Mar.

² Vol. ii. of this work, p. 365.

³ Original Lease at Mertoun.

erected by King James the Sixth in favour of John, Earl of Mar. It included the Abbey of Dryburgh, but the rents, profits, and emoluments of the lands and others were reserved to the Commendator. In virtue of that reservation, leases were still granted by David Erskine as Commendator, one so late as 30th May 1608. This lease is made out as by David Erskine, Commendator of the Abbey of Dryburgh, *with consent of the convent thereof*, although they were all deceased in 1600, but it is subscribed by David Erskine alone.¹

The date of this lease shows that David Erskine had held the office of Commendator of Dryburgh and Inchmahome for upwards of fifty years; but this document may possibly have been the last lease issued by him in that capacity. Only a day after its being granted, on 31st May 1608, a deed of provision by King James the Sixth was made, in which it is stated that the Abbacy of Dryburgh, as well as the Priory of Inchmahome, were then vacant, and in his Majesty's hands as patron, through the demission of David Erskine the Commendator. The reason of his demission was, that the two offices might be provided to his kinsman Henry Erskine, second son of John, second Earl of Mar. David survived the demission of his offices for three years, and died on 28th May 1611, leaving his widow, Margaret Haldane, with whom he had lived for upwards of half a century. Of their marriage there was one son, James Erskine, who received from his father, as Commendator of the Priory of Inchmahome, on 1st March 1580, a lease of the teinds of various lands. In the lease the grantee is named James Erskine, our son and apparent heir.² James Erskine, it is thought, must have predeceased his father without leaving issue, as his name is not mentioned in either his will or that of his mother.

¹ Original Lease at Mertoun.

² Original Lease in possession of David Erskine, Esq. of Cardross.

By his testament David Erskine nominated Margaret Haldane, his widow, his sole executrix. It appears from the record of the confirmation of his will, that at the time of his death there was due to him, in his capacity of Archdeacon of Brechin, by the Laird of Auldbar, as representing his father, the sum of £1053 Scots for feu-duties of the lands of the Drums. He manifested a sincere regard for his aged widow in his testament, by committing her to the care of the Earl of Mar, whom he besought to be her protector ". . . in the short time apperandlie she hes to leiff, and to assist, mantyn, fortifie and defend hir in hir rycht, and agains ony that will pretend to do her wrang. And swa assuring myself heirof, I commend his Lordschip, with his noble and godlie lady, and thair haill bairnis, friendis and familie, to the blessing and protection of the eternal God. . . .—DRYBRUCHE."

One of the residences of David Erskine, as Commendator of Inchmahome, was the mansion-house of Cardross, and the initial letters of the names of himself and his wife, Margaret Haldane, are still on a portion of the present mansion-house, which has been greatly enlarged since his day.

Margaret Haldane survived her husband for about seven years. She was named and designated Margaret Haldan and Ladie Dryburghe, as appears from the confirmation of her testament by Harrie, Lord of Cardrous, executor nominated by her.¹

HENRY ERSKINE, PRIOR OR COMMENDATOR OF INCHMAHOME,
1608—1628.

As above stated, on the day following the demission of David Erskine as Commendator of Dryburgh and Inchmahome, King James the Sixth granted a provision, dated 31st May 1608, in favour of Henry Erskine,

¹ Records of the Commissariat of Dunblane, November 1619. Liber St. Marie de Dryburgh, 1847, Preface, pp. xxv *et seq.*

the second lawful son of John, second Earl of Mar, and Lady Mary Stewart, second daughter of Esme, first Duke of Lennox. That provision was to subsist during the lifetime of Henry Erskine, and constituted him Abbot and Commendator of the Abbey of Dryburgh, and Prior of the Priory of Inchmahome, then in the King's hands by the demission of David, the last Commendator. With the offices he received a seat and vote in Parliament. Henry Erskine was assigned by his father to the fee of the lordship and peirage of Cardross, and he was commonly known as the fiar of Cardross, though sometimes styled Lord of Cardross, and also of Dryburgh. He predeceased his father in the year 1628.

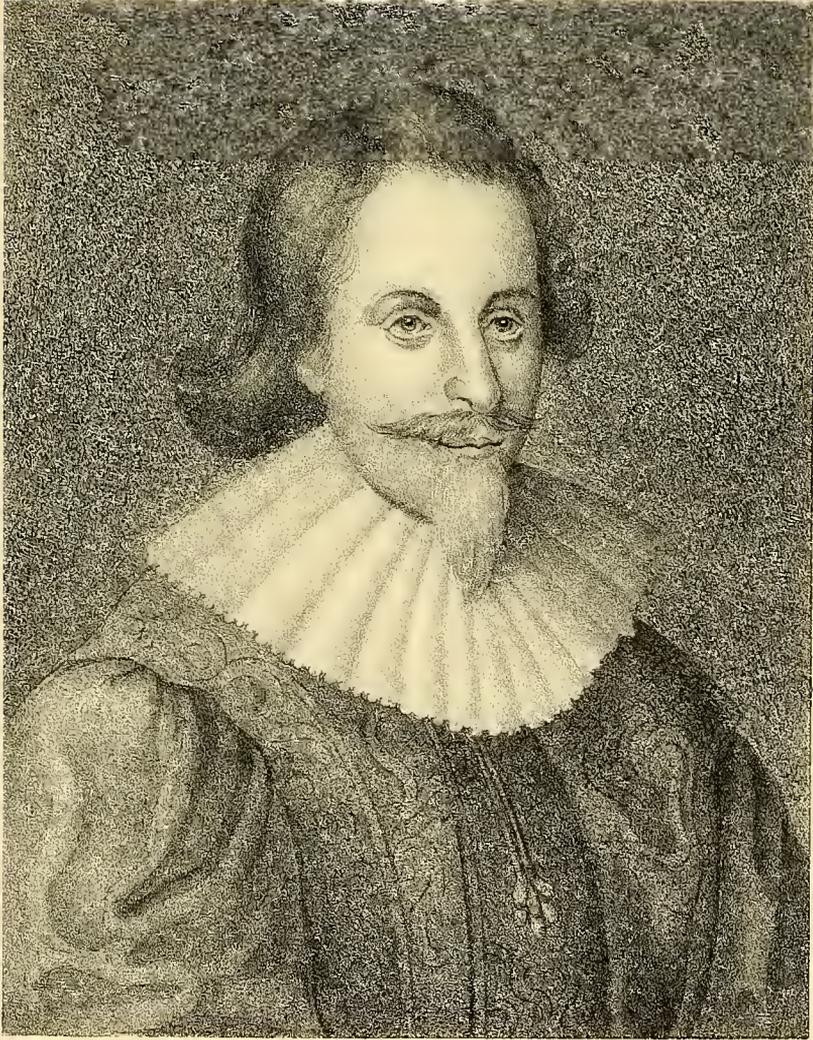
THE PRIORY OF INCHMAHOME AS A PART OF THE LORDSHIP
OF CARDROSS.

The lordship and barony of Cardross was erected by King James the Sixth in favour of John, second Earl of Mar of the House of Erskine, by a charter dated 27th March 1604. It included, as fully described in the charter, all the lands, baronies, castles, towers, patronages, manor-places, mills, multures, salmon and other fishings, woods, parks, meadows, forests, teinds, teindsheaves, annualrents, etc., which formerly belonged to the Priory of Inchmahome, and the Abbeys of Dryburgh and Cambuskenneth, with their right of patronage of the parish kirks, both parsonage and vicarage, of the said monasteries.¹

This grant was made to enable that Earl the better to provide for his younger sons by his second Countess, Lady Mary Stewart, a cousin of the

¹ Recited in Act of Parliament. The Acts of the Parliaments of Scotland, vol. iv. p. 343. Cardross is situated in the parish of Port of

Menteith and county of Perth. It is now the property of David Erskine, Esq., a descendant of John, Earl of Mar.



Jameson pinx.

HENRY ERSKINE, FIAR OF CARDROSS.
THE LAST PRIOR OF INCHMAHOME 1608-1628.

King, of whom his Majesty took great care.¹ There is a tradition amongst her descendants that Lady Mary was in the practice of making grievous complaints to King James the Sixth as to the state of dependence in which her second son, Harry Erskine, would be placed, as compared with his two elder brothers, one of whom, by the first marriage of his father, would succeed as Earl of Mar, and the other, the eldest son of Lady Mary, was Earl of Buchan, through the heiress of that earldom, and that the King assured her that he would provide for her second son, Harry Erskine; and his grant of the lordship of Cardross, it is said, was in fulfilment of that promise.²

In reference to the marriage of John, Earl of Mar, and the Lady Mary Stewart, their descendant, David, Earl of Buchan, has recorded a tradition, that, according to the superstitious customs of the times, the Earl of Mar had listened to the nonsense of an Italian conjuror, who showed him a limning of a lady, which, he said, Mar's future sweetheart and wife resembled, and Mar imagined that he recognised the same features in the daughter of the Duke of Lennox. He heard that she was destined by the King for another husband, and wrote a plaintive letter to James, saying that his health had even begun to suffer from the fear of disappointment. The King visited Mar, and assured him, "Ye shanna dee, Jock, for ony lass in a' the land," and forthwith arranged the marriage.

An Act of Parliament was passed on 9th July 1606, for the erection of the Abbeys of Cambuskenneth and Dryburgh, and the Priory of Inchmahome, into a temporal lordship, to be called the LORDSHIP OF CARDROSS, in favour of John, Earl of Mar. The Act narrates that this was done in consideration of the good, true, and thankful services done by John, Earl of Mar, and his

¹ Crawford's Offices of State, p. 404.

² The Editor was informed by the late Mr. Thomas Erskine of Linlathen, that the tradi-

tion had been handed down in his family, which was descended from the marriage of John, Earl of Mar, and Lady Mary Stewart.

predecessors, in their great care, vigilance, and faithfulness in all things that tended to the advancement of his Majesty's honourable affairs, whereof the Earl and his late father gave manifest proof in the worthy, memorable, and acceptable pains taken by them in the education of his Majesty's most loyal person from his birth to his perfect age, and the like notable service done by the said Earl himself in the education of his Majesty's dearest son, the Prince; his Majesty also remembering the prosperous journeys and expeditions which the said Earl had taken in embassies from his Highness, which he had discharged dutifully and speedily to his Highness's great contentment.

This Act referred to "the samyn monastereis and superstitionis thereof being now abolishit, and the kirk landis of the samin now annexit to his Hienes crowne." The Act also narrated that the said monasteries have been in all time heretofore commonly disposed by His Majesty's predecessors "to sum that wer cum of the House of Erskeyne." The Act also ratified the charter dated 27th March 1604, while it dissolved from the Act of Annexation of all kirk lands within the realm to the Crown, the lands, baronies, castles, etc., of the Priory of Inchmahome, and the Abbacies of Dryburgh and Cambuskenneth, and of new granted to John, Earl of Mar, and his "airis-maill and assignayis heretable," the lands, baronies, etc., therein specified, which before belonged to the said religious houses. The Act erected the whole into the lordship and barony of Cardross, ordaining the manor-place of Cardross to be the principal messuage thereof.

The lands, baronies, etc., which before belonged to the Abbey of Cambuskenneth, included, as stated in this Act, the place and mansion of Cambuskenneth, with houses, biggings, orchards, dovecots, and crofts, the town lands, acres, and huid¹ of Cambuskenneth, with the ward, etc. The other lands,

¹ This is misprinted "hinde" in the Act of Parliament (vol. iv. p. 345).

fishings, patronages, etc., granted, are specified in the Act of Parliament, and have been already mentioned among the lands belonging to the Abbey.

The Act also "gives to the said noble Lord, his airis and successouris that sal happin to be provydit be him to the said lordschip and baronie of Cairdrois, the honour, estait, dignitie, and preheminance of ane frie Lord of Parliament, to be callit Lord of Cardrois in all tyme cumming."¹

The Act states that the parish churches connected with the Abbey of Cambuskenneth and the other two Abbeys were for the most part destitute of preaching and comfort of the word of God, in default of sufficient pastors and ministers for many years. The King commends to the Earl of Mar to provide the churches with learned ministers for instruction of the people in the true faith.

The Act further contains a reservation in favour of Adam, Commendator of Cambuskenneth, of the rents, etc., of the lands granted during his lifetime, as freely as he enjoyed the same before the date of the Act.

Following upon this Act, a charter by King James the Sixth was granted in favour of the Earl of Mar, dated 10th June 1610, granting the whole lands, etc., to be called the lordship and barony of Cardross, constituting him and his heirs-male assignees and successors therein free lords and barons of the same, with the honour, title, dignity, and right to a seat and vote in Parliament.² Other two charters of the lordship of Cardross were granted by the Crown, on 10th April 1615 and 14th July 1634, both in favour of John, Earl of Mar.³

John, Earl of Mar, built the principal suite of apartments in the house of Cardross, to give a suitable reception to his Majesty, who visited the Earl

¹ Acts of the Parliaments of Scotland, vol. iv. p. 343.

² Registrum Magni Sigilli, Lib. xlvi. No. 262.

³ *Ibid.* Lib. xlvii. No. 490 ; Lib. xlvi. No. 411 ; et Lib. lv. No. 3.

there. The King and the Earl having been educated together, under the widow of the Regent Mar, Annabella Murray, there was a life-long intimacy and attachment between the Sovereign and the subject. The King, in his juvenile letters, familiarly addressed him as "Jhon Slaitis," and his mother was called "Lady Minnye."¹

This Earl assigned the lordship and peerage of Cardross to Henry Erskine, his second son, by his marriage with Lady Mary Stewart, and to the heirs-male of his body, reserving to himself the liferent. He did not, however, include Cambuskenneth as part of the lordship assigned to his son Henry. It was assigned to Alexander Erskine, third son of Lady Mary. The assignation was dated on 30th January 1617, and was confirmed by charter by King James the Sixth, under the Great Seal, on 13th March following. Henry Erskine was thereafter styled fiar of Cardross, but having predeceased his father in the year 1628, he never enjoyed the peerage of Cardross. Henry's only son, David Erskine, succeeded to the peerage on the death of his grandfather, John, Earl of Mar, on 14th December 1634; and the peerage of Cardross is now held, as a male dignity, by his collateral heir-male, the Earl of Buchan.

¹ Original Letters in the Mar Charter-chest.

