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THE

**ELPHINSTONE  
FAMILY BOOK**

OF THE

**LORDS ELPHINSTONE,  
BALMERINO AND COUPAR.**

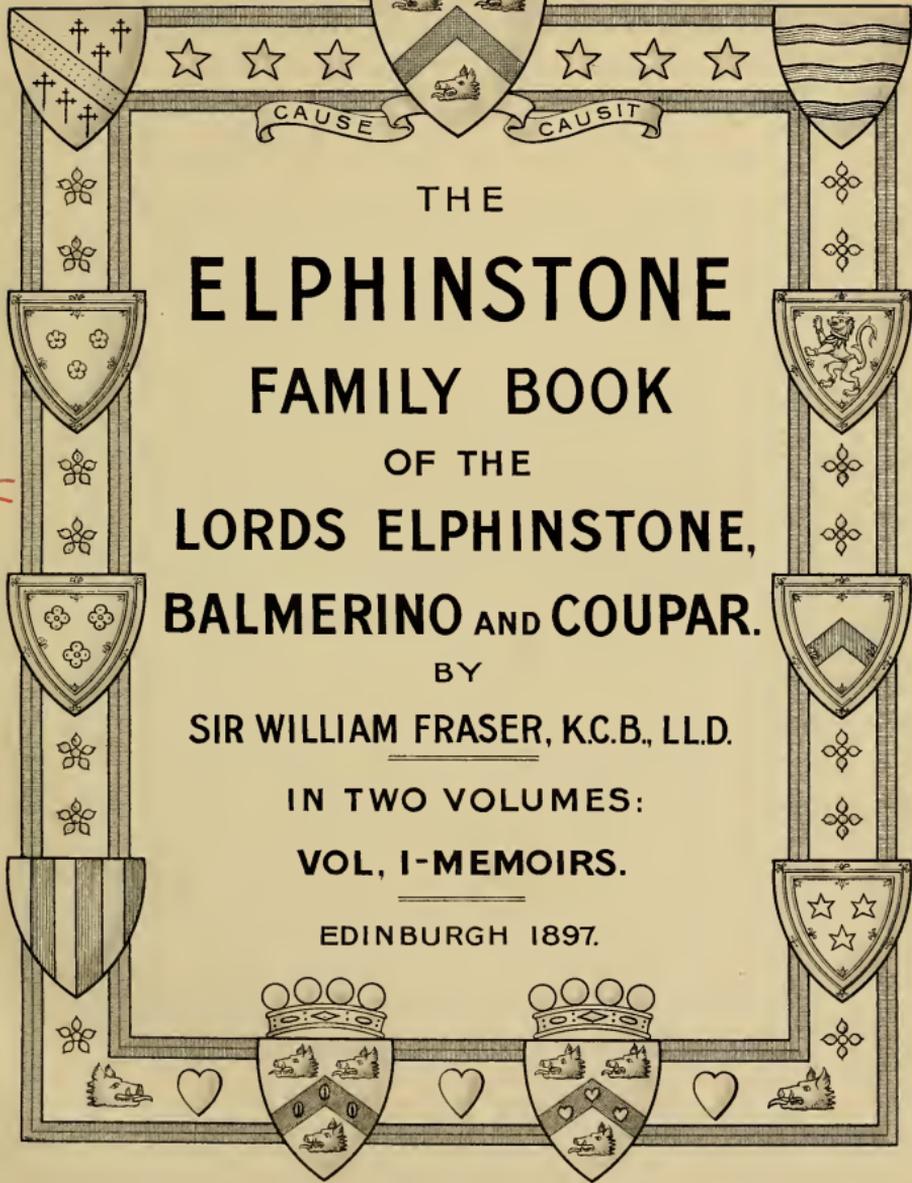
BY

**SIR WILLIAM FRASER, K.C.B., LL.D.**

IN TWO VOLUMES:

**VOL. I-MEMOIRS.**

EDINBURGH 1897.





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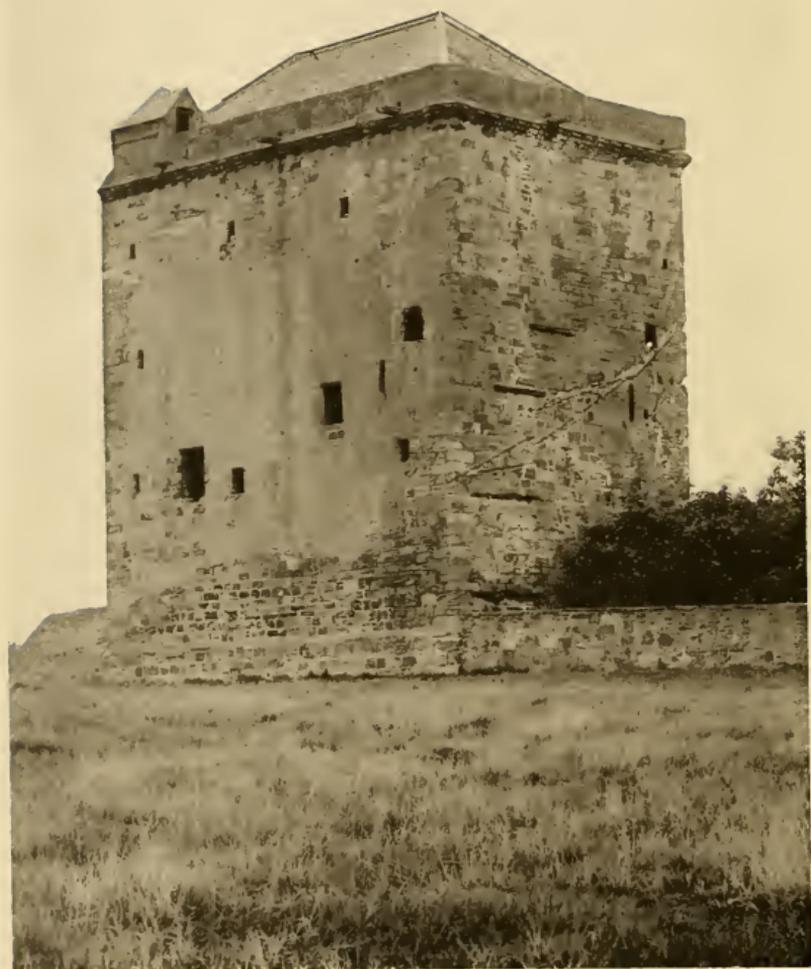
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# Introduction

## I. THE ORIGINAL CASTLE OR TOWER OF ELPHINSTONE OF THE ELPHINSTONES, LORDS ELPHINSTONE.

ABOUT a mile to the east of the summit of Carberry hill, where Queen Mary and Bothwell surrendered to the lords who were confederated against them in June 1567, stands the venerable castle or tower of Elphinstone. With that tower the noble and baronial family of Elphinstone has been identified in a variety of ways for upwards of twenty generations, or for six and a half centuries, reckoning from the year 1250 to the present time.

The owners of Elphinstone Castle have always understood that the present structure was founded by the first known Elphinstone, John de Elphinstone, who can be shown to have been living about 1250, or in the time of King Alexander the Third of Scotland. Reared on a solid rock for a foundation, on a high tableland overlooking the valley of the Tyne, the castle commands and dominates the rich and varied country stretching eastward from the tower for many miles. Travellers from the east in that district of Haddingtonshire can never lose sight of the predominant castle as the most striking object in the wide landscape. But the prospects from the windows and battlements of the lofty pile are not restricted to the locality. The tradition in the Elphinstone family is that on a clear day as many as thirteen counties might be seen from the battlements of the tower.<sup>1</sup> The present appearance of the castle is shown by a photograph collotyped for the present work.

In the "Castellated Architecture of Scotland" Elphinstone Castle is

<sup>1</sup> Information of the late William, fifteenth Lord Elphinstone, the owner of the tower, in March 1864.

described as one of the most remarkable and best preserved of the Scottish keeps of the fifteenth century. The authors of that valuable work give the fullest account of the castle which has yet appeared, and it is worthy of attention. They say—"It is a simple oblong on plan, fifty feet five inches long by thirty-five feet wide, and fifty-eight feet three inches in height to the top of the parapet. The tower contains . . . five floors in all. It is quite usual for towers of this period to have chambers and closets in the thickness of the walls, but in this case that arrangement is carried to an extreme length, all the walls being honeycombed with a perfect labyrinth of small mural chambers."<sup>1</sup>

There are additional interesting particulars given by the authors explanatory of drawings and plans of the castle which they furnish. Referring to a peculiar arrangement in an upper private room within the height of the great hall on the first floor, they say, the room "contains a fireplace, alongside of which a door leads into a window recess in the west wall; this window opens into the chimney-flue of the great hall fireplace, and in the breast of the flue, opposite the window, and at the same level, is a large splayed inner window overlooking the great hall. . . . Thus the lord or lady by stepping out of their private room to this window could overlook what was going on in the hall, subject to the inconvenience of the smoke (when there was any) from the great hall fire." They add that "spy-holes are frequently to be met with in old castles, but this one is of a unique kind. Into this very fireplace there is a small spy-hole from the adjoining staircase."<sup>2</sup> After describing in this manner minutely the numerous wall chambers in the castle, the authors proceed—"This is perhaps the most striking example of the system of wall chambers carried to excess."<sup>3</sup>

<sup>1</sup> "The Castellated and Domestic Architecture of Scotland," by David Macgibbon and Thomas Ross, 1887, vol. i. pp. 233-237.

<sup>2</sup> *Ibid.* pp. 233, 234.

<sup>3</sup> *Ibid.* p. 234. Macgibbon and Ross add:—"It will be recollected that we drew

attention to this practice as possibly being a tradition from the time of the Celtic Brochs, and we believe that a careful study of this plan, and still more of the building itself, will tend to confirm this view."

As throwing light on the antiquity of the castle, the same authors give drawings of the armorial bearings which are carved in stone over the fireplace of the great hall.<sup>1</sup> The shields are eight in number, and are neatly engraved. The two first shields are said to represent the Seton family each having three crescents, two and one. The third shield is said to be Maitland, the fourth Douglas, the fifth Menzies, the sixth Johnstone, the seventh Elphinstone, and the eighth Maitland again.

The late Lord Elphinstone took a great interest in this ancient tower, which was reacquired by his grandfather, the Honourable William Fullerton Elphinstone of Carberry, after it had been out of the family, in the hands of the Johnstones and other families, for centuries. The eminent architects from whom we have quoted bear testimony to the great care with which the castle is preserved. In the year 1871, after a visit paid to the castle with his lordship, he sent me very careful pen-and-ink sketches of these eight armorial shields, all drawn with his own hand. He was an excellent draughtsman, and one of his friends once remarked to me that his lordship's pen-and-ink sketches were as fine as steel engravings. These eight sketches of the arms are still preserved, with his remarks upon several of them. On Nos. 3 and 8 of the shields, which are assumed by the architects to be those of Maitlands, Lord Elphinstone remarks—"But I can't make out the dismemberment of the Maitland lion." His lordship says "No. 5 is plain, but in the chief are marks as of two or three lions. It may be stars or anything else, but I have drawn it as it appears." In a subsequent letter his lordship wrote on 21st December 1871—"As for the Elphinstone Tower shields, the place was out of the family so long, I suspect the shields had reference to those in possession during the interregnum."

When the author of "The History of Tranent and its Surroundings" applied to the late Lord Elphinstone for information as to the building of

<sup>1</sup> "The Castellated and Domestic Architecture of Scotland," by David Macgibbon and Thomas Ross, 1887, vol. i. p. 237.

the castle, his lordship replied in a letter, dated November 9, 1882, that "Elphinstone Tower was built by John de Elphinstone, who died about the year 1260." Macgibbon and Ross, in differing from his lordship in this, assign the building of the castle to the fifteenth century.

In support of their opinion they notice the fact of the change of ownership after the battle of Piperdean in 1435, where Sir Alexander Elphinstone was killed, when he was succeeded by his daughter Agnes, who married a Johnstone. The fact is quite true. But the succession of the heiress was not favourable to her or her husband, who was a younger son of the house of Johnstone, building the castle. There was a long-continued and almost ruinous litigation between the heir-male and the heir-female of the Elphinstone family about the succession to the Elphinstone estates. The litigation was compromised. But it is not at all likely that the heiress, who is reputed to have been a posthumous child, would set to work and construct such a castle after such a costly litigation.

The difference of opinion as to the period of building may be reconciled by the fact that John de Elphinstone in 1260 must have had a castle on his lands of Elphinstone, and that in the course of centuries that original castle was probably gradually moulded into the present structure, which still retains the same name of the castle or tower of Elphinstone. In their history of the ancient castles of Scotland, Macgibbon and Ross show that many of these castles have been altered, added to, and reconstructed in the course of centuries, while still retaining their original name. As an instance of this reference may be made to the castle of Drumlanrig. When it was first acquired by the Douglasses of Drumlanrig about the year 1400, it was a comparatively small building. Successive lairds altered and added to the castle, until in the time of Sir James Douglas of Drumlanrig, who died in the year 1578, it was called the "Palace" of Drumlanrig as being built by him. But after his time, though his additions to the fabric had been so great as to raise it to the rank of a palace, his successor, the first Duke of Queensberry,

made the palace a still more imposing structure, and retained the original name of Drumlanrig Castle, although discontinuing the name of palace.

The author of the "History of Tranent" gives the eight armorial coats on Elphinstone Tower in the same terms as the architects above-mentioned, but in reference to shield No. 5, supposed to be that of Menzies, he communicated with the late Mr. Stoddart, Lyon clerk-depute, who replied by letter, dated 31st March 1883, thus:—

"After a careful search I have not been able to find that any branch of the family of Menzies ever bore two lions on the chief, which is the bearing of the name in general. The coat cut in stone is not, to my knowledge, a Scottish coat at all; it is not given in Papworth's Ordinary of Arms for Great Britain and Ireland, and would therefore seem to be hitherto unknown, which makes it all the more interesting."

In old Scottish mansions it was occasionally the practice to insert the royal arms as a mark of loyalty, although the owners of the house were not royally descended. It was also the practice occasionally to display the arms of feudal superiors on some portion of the building by the vassal holding of them. The two Seton shields, Nos. 1 and 2 of the eight coats, may have been placed in the Elphinstone hall out of respect to the Elphinstones holding under the Setons as successors of the De Quincys in the superiority but not the property of Elphinstone, especially as one of the Seton coats appears to represent the double tressure, although this is not certain, and the other not. The two supposed alliances between the Setons and the Elphinstones indicated by these two Seton shields have never been established; and, upon the whole, these eight shields are not reliable as the handiwork of any official herald, although of sufficient interest to be noticed in any history of the castle. They have been prepared in carefully carved stone, which has ensured their preservation, while other armorial bearings and ornaments, merely painted throughout the castle, have not been prepared for preservation, and cannot now be described.

## II. THE LANDS OF ELPHINSTONE AROUND THE ORIGINAL CASTLE.

The great lordship and barony of Travernent, now Tranent, in which these lands are situated, was acquired by Robert de Quincy from King William the Lion, who also appointed him Justiciary of Scotland.<sup>1</sup> The successor of Robert, after the death of his son, Seyer de Quincy, Earl of Winton, who died in 1219, Roger de Quincy, Earl of Winchester, who by his marriage with the heiress of Galloway became Constable of Scotland in 1234, inherited Tranent. He died in 1264, leaving his three daughters, Margaret, Elizabeth, and Helen, the co-heiresses of his extensive estates. Their respective husbands were William de Ferrers, Alexander Cumming, Earl of Buchan, and Allan La Zuche.

Margaret de Quincy, the eldest co-heiress, obtained the barony of Travernent; the Earl of Buchan, with Elizabeth, the second co-heiress, acquired the lands of Elphinstone and the commonty of Tranent. He also received the high office of Constable. Allan La Zuche received with Helen or Ella de Quincy the lands of Fawside, which adjoin Elphinstone on the north, and the minerals of Tranent.

In the struggle between England and Scotland, the successors of Roger de Quincy took part with England against Bruce. This led to the forfeiture by the victorious king to reward his adherents, of the lands of the De Quincys, who supported John Balliol in his claim to the Scottish throne. Bruce granted charters of the lands of Elphinstone, Fawside, and others, and of the barony of Travernent to Alexander Seton of Seton.<sup>2</sup> But these grants included the superiority only and not the property, or *dominium utile*, which remained with the actual proprietors, the Elphinstones, Fawsides, and others,

<sup>1</sup> Robert de Quincy came from Normandy with William the Conqueror, and received from him many grants of lands in England. But in the time of King John the De Quincys joined the barons at Runnimeade, near Windsor, and extracted the Magna Charta

from the king. This revolt brought the De Quincys to Scotland, where Robert made a fortunate alliance.

<sup>2</sup> Robertson's Index to Missing Charters, p. 10, Nos. 22 and 25.

who had derived their rights from the De Quineys, and who did nothing to forfeit them.

In this connection it is right to notice a mistake in reference to the old and new superiors of the De Quincy lands granted to Seton. In his Heraldry, Mr. Nisbet accounts for the possession of the lands of Elphinstone, by stating a marriage between one of the family of Elphinstone, and Margaret Seton, daughter of Sir Christopher Seton and Lady Christian, the sister of King Robert the Bruce, which he says took place in the reign of King Robert. This marriage, he further says, secured to this member of the Elphinstone family lands in East Lothian, which he called after his own name.<sup>1</sup> But Nisbet offers no proof in support of that theory. It is disproved by the fact that the Elphinstones were owners of Elphinstone before Bruce was king, and indeed *before he was born*: Nisbet's theory is further disproved by the fact that the Elphinstone lands were acquired by the Elphinstone family anterior to the marriage of Sir Christopher Seton and Lady Christian Bruce, sister of the king. There is nothing to show that there was any issue of that marriage. King Robert granted charters to Sir Alexander Seton, the successor of Sir Christopher. But in none of these does the king name Sir Alexander Seton as his nephew, which he would have done had such relationship existed. The undoubted nephew of Bruce, Thomas Randolph, was invariably designated the king's beloved nephew wherever he was mentioned in the charters of that king.

Another mistake which has been commonly made, is the assumption that when the families of the co-heiresses of Roger de Quincy were forfeited, and their lands given to Sir Alexander Seton, the lands were at the same time taken from the Elphinstone family, who in some unexplained way soon afterwards recovered them. It has been already pointed out that the Elphinstone family had continuous possession of the lands of Elphinstone from the year 1250. Now the mistake just mentioned arises from confusing

the separate and distinct rights of superiority and property of the lands in question. Roger de Quincy and his predecessors held the superiority of the lands. That superiority was inherited by his three co-heiresses and their families. It was the *superiority* that was forfeited about the year 1308, and that King Robert gave to Alexander Seton. The *property* of the lands from 1250 continued vested in the Elphinstone family, who, after 1308, in their successive heirs, received charters of the lands from time to time from the new superiors, the Setons, as Barons of Tranent.

As has already been stated, the lands of Elphinstone were inherited by Agnes Elphinstone, the heir of line, or the heir-female of the family, in the middle of the fifteenth century. She intermarried with Gilbert Johnstone, one of the Johnstones of Annandale, and their descendants continued in possession of the lands of Elphinstone until the middle of the seventeenth century, and were known as Johnstones of Elphinstone. After possessing the estate of Elphinstone till the year 1650, Sir John Johnstone of Elphinstone, knight, and Dame Margaret Keith, his spouse, at that date were in pecuniary difficulties. Sir Archibald Primrose of Carrington, Lord Clerk Register, and ancestor of the present Earl of Rosebery, befriended the Knight of Elphinstone. He advanced money to him for the purpose of discharging the claims of certain of the creditors. For the money so advanced Sir Archibald obtained bonds over the estate in security. On the death of Sir John Johnstone, in the embarrassed state of his affairs, he was succeeded by his eldest son and heir, Sir James Johnstone. He also was befriended by Sir Archibald Primrose, but although with his powerful assistance an endeavour was made to preserve the estate of Elphinstone to the Johnstone family, it was found impossible. As a last resort, it was arranged that the estate should be absolutely disposed to Sir Archibald Primrose. This was done, and the disposition in his favour narrates the several debts and diligences in the person of Sir Archibald Primrose upon the lands of Elphinstone. It further narrates that by virtue of the rights made in his

favour, Sir Archibald had the heritable and irredeemable right to the lands of Elphinstone. The legal reversion of the apprising was expired, and the money paid and to be paid by him for redeeming wadsetts far exceeded the value of the irredeemable right of the lands. Still Sir Archibald out of his goodwill had given to Sir James Johnstone considerable sums of money for his subsistence and "oultreik." In return for this, in honour, duty, and conscience, Sir James conceived himself obliged to make a suitable recompense so far as it was in his power, and to dispoine in favour of Sir Archibald his right which he had to the lands of Elphinstone, with his love, favour, and blessing. Therefore Sir James Elphinstone disponed to Sir Archibald Primrose and his heirs the lands of Elphinstone, Tower and fortalice, etc., with a procuratory for obtaining the dispoine infest as heir to his father or grandfather, and a procuratory of resignation with the ratification of all rights standing in Sir Archibald's person and a precept of sasine. The disposition is dated 10th April 1666.<sup>1</sup> Following upon the resignation by Sir Archibald Primrose, a charter was granted by George, Earl of Winton, as superior of Elphinstone, dated 28th September 1666.

Sir John Johnstone of Elphinstone granted a bond of provision in favour of his children, Margaret, Jean, Elizabeth, John, and Anna Johnstone, for sums of money as their portions, dated 12th September, and registered in the Books of Session 4th December 1664. Three of the daughters named, Margaret, Jean, and Anna, resigned their portions to Sir Archibald Primrose by assignments dated June 1666 and 23rd July 1674.<sup>2</sup>

The descendants of Sir Archibald Primrose were Sir James Primrose of Carrington, who was created Viscount of Primrose, Archibald, second Viscount

<sup>1</sup> Inventory of Elphinstone Writs in the Prestonhall charter-chest.

<sup>2</sup> The warm interest which was taken by Sir Archibald Primrose, Lord Register, in the Johnstones of Elphinstone arose apparently from the fact that his lordship's first wife

was Elizabeth Keith, one of the three co-heiresses of the Honourable James Keith of Benholme, uncle of the Earl Marischal, and the marriage of Margaret Keith, sister of Lady Primrose, with Sir John Johnstone of Elphinstone, Sir John and the Lord Register being thus brothers-in-law.

Primrose, and Hugh, the third and last Viscount of Primrose, who was served heir to his brother Archibald, the second Viscount, in July 1716. Hugh, Viscount Primrose, obtained a decret of declarator by the Lords of Session against the Commissioners and Trustees for the public, entitling him to hold his lands of the Crown in place of holding them of the Earl of Winton, then attainted of high treason, dated 10th September 1719.<sup>1</sup>

Hugh, third and last Viscount of Primrose, became an active officer in the army in the year 1727, and died at Wrexham in Flintshire in 1741.

Under a ranking and sale of the lands of Elphinstone they were purchased by Sir Hugh Hamilton of Rosehall, who on 7th March 1752 granted a receipt for the whole writs of Elphinstone according to inventory of that date.

Afterwards the Tower and lands of Elphinstone were acquired by Sir John Callander of Westerton and Prestonhall, whose representatives are still owners of lands in Elphinstone. But the ancient Tower of Elphinstone and the Tower Farm belonging to it were acquired in 1813 from the Trustees of Sir John by the Hon. William Fullerton Elphinstone of Carberry. He was third son of the tenth Lord Elphinstone, and great-grandfather of the present sixteenth Lord. Through his marriage with Miss Elizabeth Fullerton, the heiress of Carberry, he acquired that beautiful estate. Carberry is bounded on the east by part of the lands of Elphinstone. Besides the proximity of the Elphinstone and Carberry estates, it was desirable as a mere matter of sentiment that the Tower and Tower Farm of Elphinstone, which had been so long associated with the Elphinstone family, should return to their possession after the lapse of so many centuries.

Two years after his purchase of Elphinstone Tower, the Hon. William Fullerton Elphinstone, in a disposition dated 26th October 1815, narrates that the lands of Elphinstone were purchased by him with the money of John Fullerton Elphinstone, Esquire, younger of Carberry, his

<sup>1</sup> Inventory of Elphinstone Writs in the Prestonhall charter-chest.

eldest son, and for his behoof, on which account it was reasonable that the same should be conveyed to him. Therefore the granter disposed to John Fullerton Elphinstone and his heirs heritably the lands denominated Elphinstone Tower Farm, bounded as therein described, with the Tower, fortalice, manor-place, houses, buildings, yards, orchards, coals, coal-heughs, etc., being a part of the lands and estate of Elphinstone, in the lordship and barony of Tranent, late regality of Seaton and constabulary of Haddington, within the sheriffdom of Edinburgh.<sup>1</sup>

According to a plan of the estate of Elphinstone in the possession of Mr. Burn Callander, and prepared after his succession to the Elphinstone estate, Elphinstone then consisted of three principal farms: Tower Farm, Elphinstone Farm, and Buxley Farm. The Tower Farm contained 314 acres, 1 rood, and 34 falls. The Elphinstone Farm, 603 acres, 3 roods, 34 falls. The Buxley Farm, 134 acres, and 26 falls. These principal farms were subdivided into moderate-sized parks or fields. The whole Elphinstone estate was surrounded by the lands of Carberry, Cousland, Ormiston, Tranent, and lands belonging to Lady Hyndford, apparently Fawside.

The late Sir Thomas Dick Lauder of Fountainhall, who was born in 1784 and died on 29th May 1848, was an accomplished gentleman and popular writer. His own estate of Fountainhall was situated in East Lothian, only two or three miles distant east of Elphinstone Tower. He well knew the Tower and the grounds and gardens surrounding it. His description as an eye-witness is well worth preserving, although the glory of the place as he described it has long since departed:—

“Even the comparatively modern parts are extremely picturesque, and the south-eastern tower furnishes some lessons in Scottish architecture that are well worth studying. It is still inhabited, and might be made a fine old residence, but the grounds around it have been massacred in the cruellest manner. We ourselves recollect, not a great many years ago, that it was associated with a grove of magnificent old trees, but

<sup>1</sup> Extract Disposition, dated as above, and registered in the Books of Session 27th October 1816, in Elphinstone charter-chest.

these were most mercilessly subjected to the axe. Before our time, however, the grounds to the eastward of the building were laid out in a quaint and interesting old pleasaunce, where, besides the umbrageous trees that sheltered it, all manner of shrubs grew in luxuriance, the ground being laid out in straight terrace walks, squares, triangles and circles; and, in short, all manner of mathematical figures, with little bosquets, labyrinths, and open pieces of shaven turf." <sup>1</sup>

Additions were made to the original castle of Elphinstone in the years 1637 and 1697. The first of these additions was for the convenience of the owners of the castle, who at the time were the Johnstones. The period in which they were made is shown by a carved stone over the door, bearing the date of 1637. The later additions to the castle were made in the year 1697, when Sir James Primrose of Carrington, afterwards Viscount Primrose, was proprietor of Elphinstone. These two additional buildings were used down to the year 1864 by the tenants of the Tower Farm, but having no architectural interest, they were removed in 1865, when a new and more commodious house was built by the late fifteenth Lord Elphinstone, a little way from the old Tower, for the tenant of the Tower Farm.

### III. CARDINAL BETON AND GEORGE WISHART THE MARTYR, BOTH AT ELPHINSTONE TOWER IN 1546, AND JOHNSTONE OF ELPHINSTONE AT THE DEATHBED OF JOHN KNOX IN 1572.

Elphinstone Tower has acquired notice in the ecclesiastical annals of Scotland in connection with the martyrdom of George Wishart. Wishart was a popular preacher and reformer. At the time of the plague in Dundee he exerted himself there in ministering to the inhabitants. But he was obliged to leave that town through the opposition of Cardinal Beton. He took refuge in the county of Haddington, the country of John Knox,

<sup>1</sup> Tranent and its surroundings by P. M'Neill, 1884, p. 187.









where he continued to preach notwithstanding the opposition he there experienced, at the request of the Cardinal, from Patrick, Earl Bothwell, who was sheriff of the county. Wishart, however, found sympathisers in John Knox, Cockburn of Ormiston, Crichton of Brunstane, Douglas of Longniddry, and other friends in the county. While Wishart was at Ormiston, Cardinal Beton arrived at the Tower of Elphinstone in the expectation of securing him and his prominent East Lothian adherents. Wishart was secured by the sheriff at Ormiston, and carried to the Cardinal at Elphinstone. The architects, whom we have quoted so fully on the subject of the Tower of Elphinstone, mention an apartment in that Tower called the "guardroom and prison." As Wishart was brought there by the civil power as a prisoner, he was probably consigned to this tower prison. The Cardinal was no doubt gratified by securing such a prominent preacher, but it is recorded that he was disappointed that only Wishart was caught. He ordered search to be made for his associates, who escaped by flight for the time, but some of them were afterwards secured.

The trial of Wishart for heresy was made the occasion of a great demonstration by the Cardinal and the clergy, and the cruel death to which he was put by strangling and burning at the stake was, no doubt, intended to strike terror among the reformers, and to stamp out by such a bold blow the whole reformation so repugnant to the church. But in the course of three short months the cruel death of Wishart was avenged by the despatch of the powerful Cardinal himself in his own castle of St. Andrews.

When Cardinal Beton and George Wishart were at Elphinstone Tower in January 1546, the owner was apparently Andrew Johnstone, the successor of Gilbert Johnstone, who married Agnes Elphinstone, the heiress of Elphinstone. Johnstone and his wife, Margaret Douglas, would, as Lord and Lady of the Tower, receive the Cardinal and the Regent Arran, and the military train who accompanied them, in order to make certain of the capture of

**IX JOHNSTONE OF ELPHINSTONE AT DEATHBED OF KNOX, 1572.**

Wishart. But that reformer made no resistance to his apprehension by Bothwell as sheriff of the county, who formally promised that he would receive no bodily harm.

John Knox and his ancestors had an early connection with the Bothwell family as their tenants or vassals for several generations, and the Reformer has been supposed, from their old relations, to speak comparatively sparingly of them. But in reference to the treatment of Wishart by his capture at Ormiston, Knox says that the third Earl Bothwell was made "for money, bucheour to the Cardinall."

In the western gable of Elphinstone Tower there is a great fissure extending nearly from top to bottom, for which architects cannot account, but the country people at Elphinstone settle the matter by saying that that injury to the gable was a sign of God's displeasure at the incarceration of the martyr there !

Twenty-six years after the Cardinal, the Regent Arran, and George Wishart were at Elphinstone in 1546, the Johnstone Laird of Elphinstone is further noticed in the ecclesiastical annals of Scotland, in connection with the last illness and deathbed scene of John Knox, in the following account of that memorable death: "On Sabbath the 23rd November 1572, during the afternoon sermon, Knox became so ill that his secretary, Richard Bannatyne, thinking that his master's death was imminent, sent to the church for Johnstone of Elphinstone, who immediately repaired to the bedside of Knox. After sermon many came to visit him. The following day, Monday the 24th November, was the last day that Knox spent on earth. Besides his wife and Bannatyne, Campbell of Kinzeancleuch, Johnstone of Elphinstone, and Dr. Preston, three of his most intimate acquaintances, sat by turns at his bedside. Knox died the same night about eleven o'clock in the sixty-seventh year of his age. Two days later, on Wednesday the 26th November, he was interred in the churchyard of St. Giles. The Regent Morton, recently elected, attended the funeral and pronounced

these words over his body:—"There lies he who never feared the face of man!"<sup>1</sup>

IV. COAL WORKS AT ELPHINSTONE AND FAWSIDE.

1616-1621.

The lands of Elphinstone, like other lands in the lordship of Tranent, were famed for successful working of the coalfields on them, and thousands of tons of coal were worked out annually. According to the old Statistical Account of the parish of Tranent the produce from the Elphinstone Colliery in the years 1790 and 1791 was upwards of 6053 tons and 8348 tons respectively. The fifth Lord Elphinstone, while he was Master of Elphinstone and Lord Kildrummie, took a great interest in the coal-working on his own property in the barony of Elphinstone in Stirlingshire. His lordship also took a lease of the coalfields of Little Fawside, which adjoined the lands of the original property of Elphinstone in the parish of Tranent. In connection with his coal-workings at Fawside, the Master of Elphinstone kept a coal-book, which is entitled: "My Lord Kildromy, his lordship's entrie to the coill and coillhewis of Lytill Fausyd, began wpoun Monday the first of Juli 1616." It extends to April 1621 and shows a considerable weekly and daily production of coal.

In 1620 the Master of Elphinstone and other proprietors of collieries got into no small trouble through public action taken against them for raising the price of this commodity. The circumstances which transpired may be here shortly stated. In November 1619 the Earl and Countess of Wintoun, the Master of Elphinstone, Francis Sommervell, his servant, Johnstone of Elphinstone, Janet Lawsoun, Lady Fawside, Sir James Richesoun of Smeytoun, Robert Richardson of Pencaitland, and David Prestown of Quhythill, met at

<sup>1</sup> Life of Knox by M'Crie, Edition 1855, pp. 275, 277, 436. One of the three witnesses to the will of Knox, which was made

on 13th May 1572, was "Johne Johneston," but he is not designated as of Elphinstone.

the place of Fawside. They did so "under pretext and cullour, as thay gaif it oute, to have visite the lady and to have dynnit with her." At this meeting they conferred about their coal-heughs and the price of coal. The result of their conference was that they combined to raise the price of their coal from 3s. to 4s. per load, and also to sell their coal to foreigners as well as to those in Scotland.

This action and combination of these coalowners was highly resented by the public. The popular discontent found expression in a complaint by the Lord Advocate and the "noblemen, barronis, gentlemen and utheris his Majesteis subjectis to burgh and land within the schirefdome of Edinburgh and constabularie of Haddingtoun." The complaint which was given in to the Privy Council on 14th December 1620 narrated the circumstances above described. It alleged that the action of the coalowners was illegal, against all good order and policy, to the hurt of the commonwealth, and the raising, fostering, and entertaining of dearth within the country. The Lord Advocate and several gentlemen of East and West Lothian appeared in support of the complaint, and the defenders also appeared. The council decided in favour of the complainers, and decerned that the bond of the coalowners being unlawful was null, that the price of coal be three shillings per load as formerly, and that no coal was to be transported out of the kingdom.<sup>1</sup>

This decision of the Privy Council, as might be expected, did not prove satisfactory to the coalowners, who persisted in their combination to increase the cost of coal. Upon the matter coming again before the Council several of the defenders were assoilzied, but Alexander, Master of Elphinstone, Johnstone of Elphinstone, and Lady Fawside were ordained to pay a fine of £2000 each, and to undergo imprisonment within the Castle of Edinburgh until they were released by the Council. The enforcement of this sentence the Lords of Council superseded till they gave further charge.<sup>2</sup>

<sup>1</sup> Register of the Privy Council, vol. xii. pp. 387-8.

<sup>2</sup> *Ibid.* pp. 418-19.

It was now the turn of proprietors of collieries to complain of the decret of the Council. Accordingly, they gave in to the Council a remonstrance on 1st March 1621. They averred that if the Council's decret became permanent law "it will altogidder undo and wrak thame, and nowayes prove beneficiall to the liegeis." In explanation of their action in raising the price of the coal, they stated "that the chargeis and expenssis, quhilkis necessarlie the complenaris mon beare oute at thair heughis, hes so increst and rissin thir yeiris bigane, that some of thame ar ten and some xx<sup>m</sup> lib. behind." The case of the Master of Elphinstone is particularly mentioned as illustrating what is above stated—

"As namelie, the coill of Litle Fawsyde being, as is knowne, sett on fyre, thair hes bene so grite chargeis debursit be the said Master of Elphinstoun for recoverie of that coill and preventing the utter overthrow thairof be fyre that hardlie can he looke at ony tyme heirefter to redeme his chargeis, quhilkis exceidiss alreddie x<sup>m</sup> lib. and he is presentlie in winning of ane myne quhilk will coist him more nor iiij<sup>m</sup> lib."

Other cases besides that of the Master of Elphinstone, and to the same purpose, the increased cost of working the coal, are given in the remonstrance.

The Council gave commission to John, Viscount of Lauderdale, and other four to visit the collieries, and make inquiries, and report to them.<sup>1</sup>

On 25th April 1621 a charge was given to the Master of Elphinstone and other owners of collieries to appear before the Council on May 16th, and assist with their advice on the reserved points as to the measures and prices of coal.<sup>2</sup> The end of the matter was a compromise to the effect that the coal was allowed to be sold at three shillings and fourpence per load.<sup>3</sup>

<sup>1</sup> Register of the Privy Council, vol. xii. pp. 433-5.

<sup>2</sup> *Ibid.*, p. 474.

<sup>3</sup> *Ibid.* pp. xxiii-xxiv, 605-6.

THE ELPHINSTONE ARCHER MEDAL OF 1603.

While the Johnstones were owners of Elphinstone Tower, several of them appear prominently in connection with the ecclesiastical business of their times. The visit to Elphinstone by Cardinal Beton and the Regent Arran has been noticed, as well as the intimate friendship which existed between John Knox and John Johnstone of Elphinstone. But either that Laird of Elphinstone, or his successor, appears to have found time to retire occasionally from Elphinstone to Musselburgh to practise himself in archery. An ancient silver arrow was competed for yearly on the links of Musselburgh by the members of the Royal Company of Archers. It is known as the Musselburgh Arrow. The victorious competitor received the sum of thirty shillings and a dozen of claret from the magistrates of the burgh, and was bound, in return, to make and append a medal of gold or silver to the arrow before the next annual competition took place. The medal usually bore the figure of an archer in full costume, with the date, and the name and arms of the victor, who was entitled to retain the arrow, with all the medals attached, in his possession for that year. This arrow is an object of much interest as it has attached to it in an almost unbroken series the annual medals from the year 1603. In the collection of Archer medals on the Musselburgh Arrow, the oldest medal bears the date of 1603. On one side is a fully equipped archer with bow and arrow, in position to shoot with drawn bow. At the top of the medal between two cinquefoils are the initials S. I. Under this, and above the head of the archer, is the word *Elphinstovne* in large lettering. On the obverse side of the medal are the well-known armorial bearings of the Johnstones—a saltier, surtout on the fess point a cinquefoil and three cushions in chief, surmounted by a scroll bearing the motto, 'Gyid them,' and at the foot the date 1603. The annexed

wood-engravings represent this medal, which is the oldest preserved in the collection of the Royal Company of Archers.



V. THE SECOND CASTLE OR TOWER, AND FIRST TERRITORIAL BARONY OF ELPHINSTONE IN THE COUNTY OF STIRLING, CREATED IN 1503.

After the loss of the original tower and lands of Elphinstone in East Lothian, the heir-male, Henry Elphinstone, the immediate younger brother of Sir Alexander Elphinstone, knight, who fell at the battle of Piperdean in 1435, obtained the lands which were limited to the heirs-male. Pittendreich or Pendreich, Airthbeg, and other lands, in the shire of Stirling, in this way became the property of Henry Elphinstone. His grandson, Sir John Elphinstone, knight, of Pittendreich, obtained an erection of these lands together with those of Cragorth into the BARONY OF ELPHINSTONE.<sup>1</sup> This enabled the heirs-male of the family to revert to their original designation

<sup>1</sup> Charter of erection, dated 4th January 1503-4. (Register of Great Seal, vol. ii. No. 2765.)

**rrvi** AIRTH BARONY ACQUIRED BY SIR JOHN ELPHINSTONE, 1497.

of Elphinstones of Elphinstone, while the owners of the original tower designated themselves Johnstones of Elphinstone.

Alexander Elphinstone, who was then designated of Invernochty, the son and successor of Sir John, was created LORD ELPHINSTONE in 1509. On the lands of the new barony of Elphinstone a new tower was erected called the tower of Elphinstone, which became the principal messuage of the new barony. It formed the chief residence of the Lords Elphinstone for eight generations of the family down to, and including Charles the ninth Lord. For family reasons he was induced to dispose of the new barony and tower of Elphinstone to the Earl of Dunmore. His lordship erected there a spacious mansion-house called Dunmore Park. A new Episcopal church called St. Andrew's was afterwards built by Catherine, Dowager-Countess of Dunmore, and a burial-ground adjacent to it, also consecrated, with an obelisk to the memory of the Earl and Countess of Dunmore. Dunmore Park and the new church and burial-ground absorbed the site of the old tower of Elphinstone. After the church and burial-ground were completed a lithograph was printed both of the church and ground. This lithograph has been specially collotyped and is here included.

VI. THE BARONY OF ERTH OR AIRTH ACQUIRED BY SIR JOHN ELPHINSTONE,  
KNIGHT, OF ELPHINSTONE, IN 1497.

Before obtaining the erection of the new barony of Elphinstone in 1504, Sir John Elphinstone acquired from his kinsman, Patrick, Lord Lindesay of the Byres, the lands and barony of Airth and the lands of Cragorth in the shire of Stirling.<sup>1</sup> The Erths of Erth and their castle of the same name are associated in history with Sir William Wallace, and, in later times, the barony and castle of Airth have been long identified with a branch of the family of Bruce.

<sup>1</sup> Charter of Airth, dated 5th November 1497. Confirmation by King James the Fourth, dated 21st November 1498, both in Elphinstone charter-chest.





One of the many exploits of Wallace, performed during the arduous struggle for the liberty of his country, is associated with the original castle of Erth. The metrical minstrel of the warrior has related at length his daring and successful attack on the castle. Pushing south from Perth towards Stirling, Wallace was stopped there by the English. He hastened down the north side of the Forth to the ferry of Erth, and obtained a boat to ferry him across the Firth. Erth Castle was then governed by Thomlyn of Ware, who was a hard ruler of the district. Wallace succeeded in putting him and all the English soldiers to death. The tower on the west side of the present castle of Erth is still called "Wallace's Tower," and the "turnpike stair" is still shown as the place where Wallace killed the English garrison.

In "The Baronial and Ecclesiastical Antiquities of Scotland," by R. W. Billings, architect, there is a beautiful drawing of Airth Castle. There are also descriptive notices of the position of the castle on the summit of a hill about ninety feet above the low-water ground near the Firth of Forth. The drawing of the castle delineates the south and east fronts. The tower and the adjoining building to the left are the oldest external portions of the castle, and date between 1550 and 1600. Mr. Billings explains that the termination of the turret staircase is the cause of the corbelling.

If "Wallace's Tower" and the "turnpike stair," which tradition marks as the spot where the hero despatched the English, be really what tradition affirms, they must have been of a much earlier date than the present tower and turnpike, both of which are of comparatively recent erection. But the tradition may have been transferred from the earlier to the later castle.

In the final battle between the forces of King James the Third and those of his son the prince, which occurred at Sauchieburn, near Stirling, in June 1488, several of the neighbouring proprietors had their mansions burned. In the accounts of the Lord Treasurer for the year 1488 a payment is entered to Robert Bruce of Ertht of £100, "to the byggin of his place that was byrnt."

This payment was no doubt intended to assist the Laird of Erth in rebuilding his place.<sup>1</sup>

The family of Erth of Erth came to be represented by co-heiresses, and the original lands of Erth were divided into portions. The family of More of Abercorn, who succeeded the Erth family, came also to be succeeded by heirs-portioners to parts of Erth. In course of time the lands of Airth were inherited by the Elphinstones and other families, who acquired portions of them. The lands were thus subdivided into fractional parts, sometimes even a seventh part of a fourth part, amongst the families of Bruce, Drummond, and Somerville. The feudal titles to the barony of Airth are thus more than usually complicated. At the same time more than one owner of the barony may be traced, either of the property or superiority or of fractional parts of the barony, which was so much dismembered.<sup>2</sup> King Charles the First having taken offence at the imprudent boasting of William Graham, the seventh Earl of Menteith, that his blood was redder than the king's, as representing the royal Earl Palatine of Strathern, created him Earl of Airth by patent, dated 21st January 1633. The patent also erected the lands and barony of Airth, in favour of the Earl and his heirs, into one free earldom to be named the Earldom of Airth.<sup>3</sup>

This new earldom did not effectually accomplish the object which the king had in view in creating it. The grantee only used the title of Airth for a short time, but he resumed his original title of Menteith, which was so closely associated with the title of Strathern. Neither did the grantee nor his successors long enjoy the new creation. The earldom of Airth was appraised by the Earl's creditors, and he made resignation of the earldom in

<sup>1</sup> Accounts of the Lord High Treasurer, p. 90. The Laird of Keir also received a payment to assist in rebuilding his place for the same reason.

<sup>2</sup> In "The Bruces and Cumyns" much information is given on the Airth branch of

the Bruces, pp. 312 *et seq.*, also in the "Red Book of Menteith," 1880, vol. ii. pp. 361 *et seq.*

<sup>3</sup> Airth Peerage Claim, 1839, p. 4. Histories of the Earldoms of Strathern and Menteith, pp. 73 and xcii.





favour of Alexander Bruce of Airth. He obtained a crown charter of the lands in 1648. Through his daughter Jean, Lady Airth, the lands came to the Dundases, and from them to Judge Graham, ancestor of the present proprietor.

William, first Earl of Dumfries, obtained from King Charles the First a charter of novodamus of the lands and barony of Airth, on resignation by William, Earl of Airth and Menteith, dated 20th December 1633.<sup>1</sup> The earldom of Airth was not held long by the Earl of Dumfries.

#### VII. THE BARONIES OF INVERNOCHTY AND KILDRUMMY.

Shortly before the creation of Alexander Elphinstone of Elphinstone as Lord Elphinstone in 1509, he received from King James the Fourth a charter of the lands of Invernochty, and many others in the lordship of Strathdon and Garioch, earldom of Mar and shire of Aberdeen.<sup>2</sup> After the erection of that barony the grantee was designated of Invernochty during the short interval which elapsed between the erection of that barony and his own creation as Lord Elphinstone. Besides the barony of Invernochty there was a parish of that name derived from the junction of the river Nochty with the river Don. The name was changed to Strathdon, which was considered more appropriate. But the designation of Invernochty was used by several members of the Elphinstone family from time to time. John Elphinstone, parson of Invernochty, was the second son of Alexander, second Lord Elphinstone, and died in 1616. James Elphinstone, who was third son of Robert, third Lord Elphinstone, was sometime designated of Invernochty before his creation as Lord Balmerino in 1603.

In order to consolidate the lands in the barony of Invernochty and

<sup>1</sup> Register of the Great Seal, vol. viii. No. 2266.

<sup>2</sup> Charter dated 8th August 1507. All these lands were thereby erected into the free barony of Invernochty.

other lands adjacent thereto, a resignation was made of them to King James the Fourth, who made a regrant of them, incorporating the whole into the FREE BARONY OF KILDRUMMY, the castle of that name to be the principal messuage.<sup>1</sup> The castle of Kildrummy was a cherished residence of the Elphinstone family. Alexander, fourth Lord Elphinstone, and his wife, Jane Livingstone, erected in the year 1604 an aisle, in connection with the parish church of Kildrummy, as a burying-place for the Elphinstone family, and several of their sons were interred there as shown in the collytype monuments of them here introduced. After the succession of the late Lord Elphinstone to his peerage in 1861, he, in the following year, repaired the Elphinstone aisle. He also employed a local photographer to photograph the aisle and several of the monumental inscriptions in it, as well as several portions of the ruins. These ruins have been favourite subjects for photographers, and several good photographs of them have been made. One of these by Wilson and Co. is here introduced in collytype. In the *Baronial and Ecclesiastical Antiquities of Scotland*, by Robert William Billings, architect, vol. iii., there are two drawings of portions of Kildrummy Castle, with four pages of descriptive letterpress of the history of the castle, architectural and historical. The writer, who is reputed to have been Mr. John Hill Burton, explains that the original castle was an appanage of David, Earl of Huntingdon, Lord of the Garioch, and a younger brother of King Malcolm the Maiden and King William the Lion. The lordship of Garioch, with the castle of Kildrummy, descended from Prince David to King Robert the Bruce, and the history of the castle is associated with the families of Bruce, Mar, Earl of Mar, Stuart, Earl of Mar, the Erskines, Earls of Mar, and the Lords Elphinstone, one of whom long held the judicial title of Lord Kildrummy. The writer of the history of the castle, although graphic in his descriptions, is not entirely accurate in his statements. He says:—"The stones are all hewn without and

<sup>1</sup> Charter dated 10th December 1507.





within, and must have been brought from a great distance, as there is not any of the kind of stone in the neighbourhood." Mr. Christie, the late minister of the parish of Kildrummy, pointed out that there is a quarry of freestone quite close to the castle, exactly the same as that which must have furnished the stone of which the castle is built. Kildrummy Castle also forms the subject of several drawings and descriptions in the *Architecture of Scotland*, by David Macgibbon and Thomas Ross.<sup>1</sup> These are interesting architecturally, but the history which they furnish of the castle is not so thorough as that given in Mr. Billings' book.

#### VIII. CARBERRY TOWER—THE RESIDENCE OF THE LORDS ELPHINSTONE.

Carberry, including the lauds, tower and hill of that name, is situated south-east of Musselburgh, in the parish of Inveresk and shire of Midlothian, about seven miles distant from Edinburgh.

Inveresk, the parish to which Carberry belongs, is bounded on the north by the Firth of Forth. For the most part fertile downs, about half a mile in breadth, stretch along the shore. Behind this belt of land there is a gradual ascent of undulating ground, covered with verdure, from which rises Inveresk Hill, Falside Hill, and a little farther to the south Carberry Hill, about 540 feet above the level of the sea. On the northern slope of the latter is Carberry Tower. The entire district forms part of a beautiful and attractive landscape; and its deeply interesting historical associations form important and material additions to its charms.

Carberry has held its present name with slight modifications from a period of considerable antiquity. Originally Crefbarrin, then Crebarrin, Crebarri, and Carbarrin, the name gradually assumed the form of Carbarrie, and latterly, as at present, Carberry.

<sup>1</sup> "The Castellated and Domestic Architecture of Scotland," 1887, vol. i. pp. 108 *et seq.*

The lands of Carberry can be traced in history for the long period of nearly eight hundred years. The earliest mention of them is in the beginning of the twelfth century, in the time of King David the First of Scotland. The lands were previously in the hands of the crown. How long they had been so has not been ascertained. From the crown, at the time referred to, they passed as a royal gift into the possession of the monastery of Dunfermline.

In the reign of King David the First the religious houses in Scotland, which were already numerous, were greatly increased in number. So much was this the case that his benefactions to these houses not only became a leading feature of his reign, but they stripped the crown of so many of its landed possessions for the purpose of founding and endowing the houses that he earned the satirical sobriquet, by which he has since been known, of the "sair saunt to the croon."

Some idea of the profuse liberality of this king to the church may be formed from the fact that the monasteries of Kelso and Holyrood, the abbeys of Melrose, Newbattle, Jedburgh, Dryburgh, Cambuskenneth, and Kinloss, the priory of Lesmahagow, and the Cistercian convent of Berwick, were all founded and endowed by him. Besides these, he remodelled other religious houses in the kingdom. He bestowed upon the whole most extensive and valuable territories. The monastery of Dunfermline was not founded by King David the First, but it was restored by him,<sup>1</sup> and he largely augmented and enriched its endowments.

Inveresk at this early period was divided into Inveresk Minor and Inveresk Major. The former had already been bestowed by King Malcolm Canmore and Queen Margaret, his consort, on the monastery of Dunfermline. King David the First confirmed by charter the gift of King Malcolm, and other gifts made to the monastery. He also in the same charter added to these gifts that of Inveresk Major, with mills and fishings, Smithetun, and Crefbarrin or Carberry, and many other subjects.<sup>2</sup> The charter is undated, but the date may be stated approximately as *c.* 1125.

<sup>1</sup> Registrum de Dunfermelyn, p. xi.

<sup>2</sup> *Ibid.* p. 5.





About the same time, King David the First gave a separate charter of Crefbarrin to the monastery of Dunfermline, which shows that the place was of some importance. This charter, unlike the one quoted above, is brief; and, on account of its early date and its having relation solely to Carberry, it is here subjoined:—

“Dauid Rex Scottorum, omnibus hominibus suis, salutem. Sciatis me dedisse et concessisse ecclesie Sanctae Trinitatis de Dunfermelyn in elemosina, Crefbarrin. Testibus, Johanne episcopo, E[duardo] cancellario, et Hugone de Morevill. Apud Elbotle.”<sup>1</sup>

The charter translated is as follows:—

David, King of Scots, to all his subjects, greeting. Know ye that I have given and granted to the church of the Holy Trinity at Dunfermline, the land of Carberry in almsgift. Witnesses, John the Bishop, Edward the chancellor, and Hugh of Morville. At Elbottle.

For the long period of nearly a hundred and fifty years subsequent to the granting of this charter, or down to 1277, there are charters by the four kings, Malcolm the Fourth, William the First, Alexander the Second, and Alexander the Third, who all in turn succeeded King David, confirming the monastery of Dunfermline in their possession of Crefbarrin.<sup>2</sup>

These successive confirmations show that from c. 1125 to 1277 the monastery of Dunfermline continued to hold Crefbarrin and the other lands mentioned therein. During this latter part of the period, however, in the reign of King Alexander the Second, the monastery appears to have parted

<sup>1</sup> *Registrum de Dunfermelyn*, p. 9. In a Bull in favour of the monastery of Dunfermline, Pope Lucius the Third took under his protection all the possessions of the monastery, including, along with others, Wymet, Crebarrin, and Smithetun. The Bull is dated Verofñ, 14th Kalends of November (19th October) 1184. [*Ibid.* pp. 156-158.] Pope Gregory the Ninth granted a similar

Bull to the monastery of Dunfermline, in which Crebarrin is again included. The Bull is given at Parusii, 8th Ides of October (8th October) 1234. [*Ibid.* p. 176.]

<sup>2</sup> *Ibid.* pp. 19, 28, 40, and 46. In these charters the lands are variously named Crefbarri and Crebarrin. In c. 1230 there is mention of the wood of Crebarrin. [*Ibid.* No. 180, p. 102.]

with its right of property in the lands of Crebarrin, and to have retained only the superiority. This is borne out by the fact that in *c.* 1230 Carberry, as will afterwards be shown, was in other hands. Sometime previous to that year, probably when it was acquired by its new owners, Crebarrin must also have been erected into a lordship. The date and circumstances of its erection have not been preserved, but about the period just mentioned, it is described in two charters as a lordship. These charters also show that the new owners of Carberry had no surname.

One of the charters is by Adam, the son of Patrick of Crebarrin, to the church of the Holy Trinity of Dunfermline, and to the abbot and convent thereof, of four bovates of lands of his lordship of Crebarrin, and two bovates that were warland in the same town, free from all services, forfeiture and demand, and other subjects. For the whole the grantees were to render at the feast of St. Michael a pair of iron spurs. The granter was to answer for all services to the king. Among the witnesses to this charter are John of Crebarrin, whose seal is stated to be appended to the charter, Arcombaldo de Crebarrin, and Peter his brother.<sup>1</sup>

In another charter John of Crebarrin granted to W[illiam], abbot of Dunfermline, eighty acres of his lordship (*dominio meo*) of Crebarrin, with a croft, for fifteen years, the term beginning at Martinmas 1232.<sup>2</sup> The same Adam and John of Crebarrin, respectively, in other charters still preserved, gave to the church of the Holy Trinity portions of land in their fee of Crebarrin.<sup>3</sup> In the case of Adam, his gift was, with consent of Alan of Fawside, of all the lands which Alan held of the granter's father and of the granter himself, in his fee of Crebarrin, for six pennies yearly.<sup>4</sup> It is apparent from these charters that Patrick had held the lands of Crebarrin before Adam his son. Carberry is not again, after the date of these charters referred to as a lordship.

<sup>1</sup> *Registrum de Dunfermelyn*, pp. 102, 103.

<sup>2</sup> *Ibid.* pp. 104, 105.

<sup>3</sup> *Ibid.* pp. 103-105.

<sup>4</sup> *Ibid.* pp. 103, 104.

It will be observed that Alan of Fawside had a part of Crebarrin which he held of Patrick and Adam of Crebarrin above mentioned, and which with his consent was given to the church of the Holy Trinity of Dunfermline in the manner described. He would appear to have received the same or another portion of Crebarrin back, and thereafter to have held it of the church. There is a charter by him quitclaiming to the church of the Holy Trinity five times twenty acres of the land which he held of the same in the fee of Crebarrin, viz., sixty acres in le Wyteside, and three bovates in les Laybrokes, for the salvation of his own and also that of his father's and mother's souls.<sup>1</sup>

In another charter by Alan of Fawside to the abbot and convent of Dunfermline, he agreed to pay them, at the vigils of St. Michael, five shillings silver for the land he held of them in the fee of Crebarrin, and to pay teind and multure for the same, and make homage and fealty. Adam of Crebarrin is one of the witnesses to this charter.<sup>2</sup>

For the long period of two centuries and a half, or from the year 1277 when King Alexander the Third, as already stated, confirmed to the monastery of Dunfermline their possession of Carberry, to the year 1543, there is very meagre information about Carberry. Whether the descendants of John and Adam of Crebarrin and of Alan of Fawside inherited Carberry, and if so, for how long it continued in their respective families, does not appear. Indeed, they drop out of notice after the transactions referred to, and so far as known do not again figure in connection with Carberry. But the superiority of the lands, and, probably, to some extent at least, the property, continued vested in the monastery of Dunfermline during the whole of that time.<sup>3</sup>

<sup>1</sup> Registrum de Dunfermelyn, No. 186, p. 105.

<sup>2</sup> *Ibid.* No. 187, p. 106. None of the charters now described from Adam and John of Crebarrin, and from Alan of Fawside, bear

any date. They appear to range from c. 1230 to c. 1235.

<sup>3</sup> Carberry and other gifts were confirmed to the monastery of Dunfermline by great seal charter on 22nd March 1450-1. [Register of the Great Seal, vol. ii. No. 429.]

When next Carberry comes into notice, Mr. Hugh Rig, a burghess in Edinburgh, and Jonete Hoppare, his spouse, receive a nineteen years' lease of the lands, coal pits, coal heughs, and coals of Carberry, extending to forty-eight oxgangs of land, from Whitsunday 1541. The whole subjects are described as lying in the shire of Musselburgh, regality of Dunfermline, and sheriffdom of Edinburgh. Mr. Rig and his spouse, however, soon obtained a more permanent holding of Carberry. The lease was two years later followed by a charter from George, archdeacon of St. Andrews and commendator of Dunfermline, which received confirmation from Queen Mary, of the lands and others contained in the lease in feu-farm. For their holding of these they paid annually 40 lib., 12 bolls of corn, and 48 capons. To the convent for their pittances they paid 40s. For the coals, etc., they gave a tenth of what happened to be found there. Duplication of the feu-farm was to take place at the entry of an heir. They were also to render three suits at the three head pleas in the Tolbooth of Musselburgh, with multures to the mills of Musselburgh. Alienation was forbidden unless with consent of the abbot. The charter is dated at the monastery of Dunfermline on 22nd May, and confirmed on 21st July 1543.<sup>1</sup>

The new owners of Carberry were a family of some importance. Hugh Rig, the first of the family who owned it, was a burghess of Edinburgh. George Buchanan, who was his contemporary, describes him as remarkable for his huge body and great personal strength.<sup>2</sup> He was a lawyer, and was admitted an advocate on 16th November 1537. Knox states that in 1540 "Maister Hew Rig, then advocattis," bore testimony to the remorse of Thomas Scott, justice-clerk, for his condemning to the stake many of the early reformers.<sup>3</sup>

Upon his receiving Carberry in feu-farm in 1543, George, commendator of

<sup>1</sup> Register of the Great Seal, vol. iii. No. 2941.

<sup>2</sup> History of Scotland—Aikman's Edition, 1829, vol. ii, p. 308.

<sup>3</sup> Knox's History—Wodrow Edition, vol. i. pp. 69, 70.

Dunfermline, granted to Hugh Rig and Jonet Hopper, his spouse, a discharge for v lib. viii sh. which fell to be paid under the new arrangement, in augmentation of the rental of the lands, during the unexpired period of the lease of 1541.<sup>1</sup> He was present at the swearing in, on 5th October 1545, in presence of the lords of council, of sheriffs commissioned by Queen Mary for serving Hugh Montgomery, afterwards second Earl of Eglinton, as heir of Hugh, first Earl of Eglinton, his grandfather.<sup>2</sup> He was tutor to Margaret, daughter of George, fourth Lord Home. Nisbet, who states this in his *Heraldry*, says he had seen a writ of Hugh Rig, as tutor to this lady, in 1546, to which was appended his armorial seal bearing a saltier between three mullets, one in chief and two in the flanks, with a crescent in base.<sup>3</sup>

The date and even the period in which Carberry Tower was built has never been definitely ascertained and settled. There is reason to believe, however, that immediately upon Hugh Rig obtaining a charter of the lands he resolved to erect a mansion on them with a view to his residing on the estate. There is no trace, either in public or private records, of the existence of any tower on Carberry previous to the time of the Rig family coming into possession of it. The presumption is that if there had been such an erection on the lands during the long period, or a part of it, when they were, so far as known, retained in the hands of the abbot and monks of Dunfermline, it would have been used as one of their residences and in this character have been frequently mentioned in their register.

On the other hand, the absence of any reference to such a building during their occupancy of the lands gives rise to the inference that it was not built previous to the year 1543, and that Hugh Rig then or soon after had it built as his family residence.

<sup>1</sup> *Registrum de Dunfermelyn*, No. 552, p. 392.

<sup>2</sup> *Memorials of the Montgomeries, Earls of Eglinton*, vol. ii. p. 135.

<sup>3</sup> *Nisbet's Heraldry*, 2nd Edition, 1804, vol. i. p. 145.

As formerly stated, Carberry Tower is situated on the northern slope of Carberry Hill, and commands an extensive view of the fertile plain which stretches from the hill towards Edinburgh. Built in unsettled and troublous times, it was made to answer the twofold purpose of a residence and place of defence, and was therefore made of unusual strength. The imposing walls of the tower, which are seven feet in thickness, are evidence of this. It is vaulted both over the ground floor and again under the flat roof at the top of the tower. The parapet walls are also of massive thickness, with inclined coping, and pierced with two wide gunholes below the coping. From a corner of the tower above the porch there rises a stand constructed of stone to hold an iron beacon, from which signals of danger could be displayed to the surrounding country.<sup>1</sup> On the corbelling below the parapet there are a series of winged cherubs. Hugh Rig had coat armour: but instead of displaying any portion of it, he preferred the cherubs, which suggested the couplet—

“Auld Hugh Rig was very big, but a bigger man was he  
When his cherubs chirped on his new Tour of Carbere.”

About seventy years ago, Carberry Tower was adapted to modern requirements. A colotype of the tower, as it now appears, is given in these pages. What now forms the kitchen of the house was formerly, to all appearance, used as a guard-house where prisoners could be lodged. To the south of the tower in the garden is a dial bearing the date 1579. There are also other two dials, beautiful works of art, and of ancient date, at Carberry.

Besides the building of Carberry Tower, historical events of great importance connected with Carberry took place in the time of Hugh Rig, who was himself associated with the one falling first to be noticed. This

<sup>1</sup> Descriptions of Carberry Tower are given in *The Castellated and Domestic Architecture of Scotland*, by Macgibbon and Ross, vol. iii. pp. 430-432: also in the *New Statistical Account of Scotland*, vol. i. pp. 278-279.

event was the battle of Pinkie, fought on the 10th September 1547. If the building of Carberry Tower was completed at this time, from its windows and parapets a clear view of the battle would be obtained. In any case the top of the hill and even its western slopes would be a vantage ground from which the struggle, so fatal to Scotland, could be seen by a spectator. The site of the battle stretches from the How Mire to the Carberry and Falside Hills, or from the village of Carberryhill to that of Inveresk.

The story of the battle is well known, and has already been told in this volume, in the memoir of Alexander, second Lord Elphinstone, who was one of those who fought and was slain in the battle. It is, however, necessary to give some relation of it here in order to point out the important part acted by the Rig laird of Carberry, in the events which immediately preceded it.

Mary Queen of Scots and King Edward the Sixth of England were both in minority. Prompted by the dying wish of King Henry the Eighth, the father of Edward, England resolved that the two sovereigns should be allied in marriage. Scotland was opposed to the match. England would take no refusal, and Protector Somerset led an army of 16,000 men into Scotland, and encamped between Preston and Tranent. The Scottish army, assembled to defend their country and Queen, numbered 36,000 men under the Regent Arran. These took up their position between two and three miles to the south-west of Musselburgh. Somerset finding himself opposed by superior numbers, and seeing the strong position taken up by Arran, made proposals to avoid bloodshed, which were refused by the regent. Thereafter Somerset sent overtures to the Scottish army, the chief article of which was that Queen Mary should not be contracted in marriage for a period of ten years. The overtures were drawn up in a conciliatory spirit. Arran communicated them to four persons only, whom he took into his confidence. Hugh Rig of Carberry was one of the four. The other three were relations of Arran. None of them had experience of military affairs. By their

advice the overtures were concealed from the Scottish nobility in case they should be accepted by them, and rumours were circulated which eventually led to the battle so disastrous to Scotland. The Scottish army was defeated with great slaughter.<sup>1</sup>

The confidence which the Regent Arran reposed in him showed his influence in the country. The advice which he gave, however, was unfortunate. It may have proceeded from interested motives. Certainly at the time there were those who believed that this was the case, and that he and the abbot of Dunfermline had procured the final order of the regent to advance to the battle. Knox, who makes this statement in his history, says, "At lenth a charge was gevin in the Governouris behalf with sound of trumpett, that all men should merche fordwarte, and go ower the watter. Some say that this was procured by the Abbote of Dumfermeling and Maister Hew Rig for preservation of Carbarry."<sup>2</sup>

The event next claiming attention in relation to Carberry is the surrender there of Queen Mary to the confederate lords. Twenty years had elapsed since the battle of Pinkie. On this occasion Scotland was not risen against England, but against its own queen, on whose behalf Pinkie had been fought. Then, at Pinkie, England demanded the marriage of Queen Mary to her king. Now, at Carberry Hill the marriage of the queen to Bothwell was the disturbing element which occasioned the warlike gathering there.

The marriage of Queen Mary and Bothwell, and especially the circumstances connected with it, were highly displeasing to the country. The most of the nobles rose in arms against the queen and Bothwell. On 12th June they issued a proclamation charging the latter with the murder of Darnley, the abduction of the queen, and the inducing her to enter into a dishonest and unlawful marriage with himself.<sup>3</sup> Bothwell and the confederate lords

<sup>1</sup> Buchauan's History of Scotland, Aikman's edition, vol. ii. pp. 306-310. Lindsay of Pitscottie's History of Scotland, third edition, 1788, pp. 300, 304.

<sup>2</sup> Knox's History, Wodrow edition, vol. i. p. 211.

<sup>3</sup> *Ibid.* pp. 557, 558.

mustered their opposing forces and met in battle array on Carberry Hill on 15th June 1567. After some conference with the queen, Bothwell left the field and fled to Dunbar, while Mary surrendered herself to the lords, who that night brought her to Edinburgh, and on the day following sent her a prisoner to Lochleven Castle.

There was a painting of the battle array at Carberry Hill in 1567 in Kensington Palace, which was presented to the royal family by the Right Honourable Thomas, Earl of Pomfret, in 1738. An engraving of this picture was made in 1742, a copy of which is now at Carberry. The following description of the engraving will give some idea of the scene on the hill on this memorable occasion :—

On the right is seen Queen Mary's army drawn up in order of battle, and with the Royal Standard unfurled, rising above a forest of spears. In front of this array is represented a line of cannon in full blaze. At the rear some of the soldiers are represented riding away as if deserting the Queen.

On the left side is the opposing host of the confederate lords of Scotland also drawn up in battle array. In front of them is borne a large banner showing the body of the murdered king, Henry Darnley, stretched on the ground at the foot of a tree, with the young Prince James kneeling beside it, and written at the top is the sentence :—" Judge and revenge my cause, O Lord." Their army is arranged in three battalions ; in front of the left one are a number of trumpeters sounding ; in front of the central one is borne the large banner just described, and behind it, conspicuous above the host of spears, are the banners of the confederate nobles, viz. :—Glencairn, Atholl, Erskine, Ruthven, Boyd, Semple, etc. ; while along with the right wing are the banners of Douglas, Home, and Murray.

In the centre of the field, between the two armies, is Queen Mary seated on horseback and followed by a mounted female attendant. She is advancing towards the confederate lords, her horse being led by the bridle by the Laird of Grange, to whom she had surrendered herself.

Away in the distance the figure of Bothwell is observed leaving the field with all possible speed, and making his way over the hills to a safe retreat in the castle of Dunbar.

An effective background to the scene is formed by the hills of Dunbar, and the town of Dunbar itself, duly named, is shown at the extreme left of the picture.

In the foreground, and also towards the left side of the picture, Edinburgh is represented by the castle perched on its impregnable rock, St. Giles, with its inimitable crown, surrounded by a cluster of dwelling-houses, and the palace of Holyrood standing alone in its grandeur, with Arthur Seat and Salisbury crags towering over all.

At the foot of the engraving, supporting a tasselled scroll, is a regal crown, flanked on one side by a unicorn and on the other by an eagle vorant, ornamented with battle-axes and other warlike implements. On the scroll is the following inscription:—

“The Battle-Array of Carberry-hill, near Edinburgh, with the Surrender of Mary Queen of Scots to the Confederate Lords of Scotland, and the escape of Earl Bothwell, 1567.”

Printed round the margin of the engraving<sup>1</sup> is the following quaint description, of which we append a translation:—

IN BELLVM PRODEVNT SCOTORVM REGINA TRADITORQVE BOTHWELLVS :  
CONTRA QVOS VENIVNT REGNI ILLIVS PROCERES LAMENTABILE HOC QVOD  
VIDEAS FERENTES VEXILLVM : PROFLIGATVS BOTHWELLVS AD DVNBARVM  
IN CASTELLVM FVGIT : REGINA VERO SIMPLICI HABITV DEFORMATA SESE  
IN MANVS NOBILIVM DEDIT : IN QVORVM CONVENTV DICTVM EST JVDICIVM  
IN CAEDIS SVPERIORIS PRINCIPES DVOS.

#### TRANSLATION.

The Queen of Scots and the Traitor Bothwell go out to war : against whom come the chief men of that kingdom carrying this lamentable banner, which you see ; the profligate Bothwell fled to the castle of Dunbar. The Queen, however, arrayed in a mean habit, surrendered herself into the hands of the nobles, in whose convention judgment was given against the two chief actors of the above-mentioned slaughter.

The stone on which Queen Mary sat while she conferred with Kirkcaldy of Grange is still pointed out on Carberry Hill as the “Queen’s Seat.” The spot is also marked by a copse erected by John Fullerton of Carberry, the uncle of Elizabeth, heiress of Carberry, to whom William Fullerton Elphinstone of Carberry was married. In commemoration of the battle array the late William, fifteenth Lord Elphinstone, also erected a large stone on the

<sup>1</sup> The engraving is subscribed, “Geo. Vertue, delin. et sculp. 1742.” On recently inquiring at Kensington Palace about the painting of Carberry Hill, we were informed that the painting is not now at that palace.

summit of the hill, having engraved on it an antique crown and the monogram M.R.

Hugh Rig of Carberry and Janet Hopper, his spouse, obtained from Robert, commendator of Holyrood, an assedation or lease of ten garbals of the lands and town of Mortoun, in the parish of Liberton, and shire of Edinburgh. The charter is dated 31st July 1546.<sup>1</sup>

Throughout his career Hugh Rig was actively employed in public affairs. Instances of this have already been noticed. In addition to these there are his parliamentary attendances and appointments, which extended to the close of his life. In 1538, he was depute constable in parliament.<sup>2</sup> Commissioned by the king and council, along with certain of his colleagues, as advocates, to be procurator for Sir James Coluill of Est Wemys, knight, who was accused of treason, Hugh Rig declared in the 1539 parliament his willingness to do as commissioned, but protested that his doing so should not be imputed to him as a crime.<sup>3</sup> In the years 1544, 1545, and 1546, he was in parliament for Edinburgh and also on the articles.<sup>4</sup> In the same years he was one of the commissioners for holding parliament.<sup>5</sup>

On the death of Hugh Rig, probably soon after 1546, his son, James Rig, succeeded to the inheritance of Carberry. John Knox, the reformer, in his testament, which he made on 13th January 1572, the year of his death, includes James Rig among his debtors for teinds and maills. The following extract from the testament shows the extent and nature of the debts:—

“Item, restand awand to the said umquhile Johnne, the sowmes underspecifeit, as for ane part of the sylver of his said stipend of the said yeir of God I<sup>m</sup> v<sup>c</sup> lxxij yeiris. In the first be James Rig of Carberry for the half teynd of Cowsland xxxiiij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup>. . . . Be James Rig of Carberry for maill thereof, xx<sup>li</sup>.”<sup>6</sup>

It is apparent from this excerpt that Cowsland was at this time one of

<sup>1</sup> Charters of Holyrood, pp. 273, 274.

<sup>4</sup> *Ibid.* pp. 446, 455, 467, 468, 471.

<sup>5</sup> *Ibid.* pp. 449, 454, 470.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. p. 352.

<sup>3</sup> *Ibid.* p. 353.

<sup>6</sup> M'Crie's Life of Knox, edition 1855, Appendix, p. 457.

the territorial possessions of the Rigs of Carberry. Cousland was about this time annexed to the parish of Cranston, in the shire of Edinburgh. It does not appear when the family acquired the estate. If it belonged to them in the time of Hugh, the father of James, he must have suffered loss by the burning of Cousland by the Protector Somerset when he invaded Scotland in 1547.

James Rig, the laird of Carberry, served on the jury in the trial of John Sempill of Beltries for being concerned in the slaughter of the Regent Morton.<sup>1</sup> The trial took place on 15th June 1577. He served in the same capacity in another trial in 1579-80.<sup>2</sup> In 1590 "Carbarry" is included in the roll of landlords in the shires of Scotland.<sup>3</sup> He died about the year 1600, when, on 29th January, his son, Quintigernus Rig, was retoured heir to his father, in a tenement in the burgh of Edinburgh.<sup>4</sup> Quintigernus Rig had a charter of the lands of Carbarrie on 1st April 1600.<sup>5</sup> In 1627, James Rig was in possession of Carberry. He was probably a son of Quintigernus Rig, who must have died before then. In the year mentioned the name of James Rig occurs in a list of the teindable lands of the parish of Inveresk, prepared by a royal commission appointed to collect information regarding parish endowments in Scotland. The extent of the teindable subjects for which he was liable is set down in the list as the "12 pleuch lands" of "Carbarrie."<sup>6</sup> In 1643, he was on the committee of war for Edinburghshire.<sup>7</sup> He died in or before the year 1655.

Upon the death of James Rig of Carberry, William Rig of Carberry succeeded him. There are several references to him in the minute-book of the kirk-session of Inveresk parish church. On May 29th, 1655,

<sup>1</sup> Pitcairn's Criminal Trials, vol. i. p. 72.

<sup>2</sup> *Ibid.* p. 84.

<sup>3</sup> Register of the Privy Council, vol. iv. p. 783.

<sup>4</sup> Special Retours for the County of Edinburgh.

<sup>5</sup> Registrum de Dunfermelyn, p. 495.

<sup>6</sup> Inveresk Parish Lore, by R. M'D. Stirling, pp. 111-114.

<sup>7</sup> Acts of the Parliaments of Scotland, vol. vi. part i. p. 52.

liberty was given him to make his seat in the church more convenient. In granting this permission, however, the Session required him to "cause repair his yle (aisle) with furmes (forms), that so the common people may have the more convenience to sitt upon." The Session further called upon him to strike out lights (windows) "that the church may be better enlightened therby."<sup>1</sup> A dispute about the tokens of the church was referred for settlement to William Rig and other three lairds on 24th July of the same year.<sup>2</sup> He was an elder in the church, and consequently a member of the kirk-session. On 4th November 1659, he was elected a ruling elder to the Synod.<sup>3</sup> This laird of Carberry was likewise a commissioner of supply during the years 1655, 1656, and 1659.<sup>4</sup> William Rig of Carberry was married to Jannet Dishingtoune, and they had a daughter, Mary Rig, in 1658.

The property of Carberry had now continued in the family of Rig for five generations, from the year 1543 to 1659, a period of a hundred and sixteen years. Their feudal superior for the first forty-four years of that time, or down to 1587, was the monastery of Dunfermline. In that year, as a result of the Reformation, the act of annexation of church lands was passed in Parliament, annexing all temporal benefices to the crown.<sup>5</sup> By that act the lands of the monastery of Dunfermelyn became vested in the crown. In the case of Carberry, one of these lands, a four and a half centuries of continuous possession was thus terminated.

In the same year, 1587, in which the act of annexation was passed, on 28th July, King James the Sixth, on reaching his perfect age, granted and quit-claimed to John Maitland of Thirlstane, knight, his vice-chancellor and secretary, the lordship and barony of Musselburghshire, including the town and lauds of Smetoun, Inveresk, Carbarrie, and others, and all other

<sup>1</sup> Inveresk Parish Lore, by R. M'D. Stirling, p. 135.

<sup>2</sup> *Ibid.* p. 136.

<sup>3</sup> *Ibid.* p. 140.

<sup>4</sup> Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 839, 851, 852.

<sup>5</sup> *Ibid.* vol. iii. pp. 431-437.

lands formerly belonging to, and now resigned by the monastery of Dunfermline. The king incorporated the whole into the barony of Musselburgh, with free regality, etc.<sup>1</sup>

Additional charters of the lordship, barony, and regality of Musselburghshire, including the lands of Carberry, were given to John, now Lord Thirlstane, chancellor of Scotland, confirming the one of 1587. There were two charters to him and Jean Fleming, his spouse, dated respectively 21st December 1591,<sup>2</sup> and 15th July 1593,<sup>3</sup> and one to him and his spouse, in liferent, and to John, Master of Thirlstane, their son, in fee, dated 7th March 1593-4.<sup>4</sup>

On the same date as this last charter, King James the Sixth, who granted it, also gave a grant of the same lands to Queen Anne of Denmark, his consort, as part of her marriage dowry.<sup>5</sup> These two conflicting charters created conflicting rights which led to litigation between the respective grantees of the lands. The matter was finally settled in favour of Lord Thirlstane on the ground of the previous grants which he had received of them. Thereafter Carberry and the rest of the regality of Musselburghshire were inherited by the descendants of Lord Thirlstane, the Earls and Dukes of Lauderdale, to the close of the life of John, fifth Earl of Lauderdale, when, in 1709, the greatest part of the regality was purchased by Anne, Duchess of Buccleuch and Monmouth.

William Rig of Carberry was the last of his family who possessed Carberry. Soon after the period in which mention is last made of him, Carberry was acquired by Sir Adam Blair. On 23rd December 1669, Sir Adam obtained from Parliament the ratification of a charter granted by the king, for himself, and as Prince and Steward of Scotland, under the great seal, in his favour, of the three merk lands of Over Lochrig, and others, in

<sup>1</sup> Register of the Great Seal, vol. v. No. 1305. The charter of the lands is dated the day before the passing of the act of annexation, which was on 29th July, and thus anticipates it by one day.

<sup>2</sup> *Ibid.* No. 1982.

<sup>3</sup> *Ibid.* No. 2352.

<sup>4</sup> *Ibid.* vol. vi. No. 73.

<sup>5</sup> *Ibid.* No. 75.

the bailiary of Cuninghame and sheriffdom of Ayr. In the ratification he is described as Sir Adam Blair of Carberrie, knight.<sup>1</sup>

On 24th October 1695, Sir Adam Blair, younger of Carberrie, and others were proposed and approved for the office of the eldership in the parish church of Inveresk.<sup>2</sup> This Sir Adam Blair, younger of Carberry, knight, married Dame Agnes Wallace, and had four children baptized in Inveresk parish church.

Sir Adam Blair, senior, was commissioner of supply for Edinburghshire in 1686. At the Revolution he took part with King James in France, corresponding with him by going or staying there without liberty and after the time prescribed by law. For this a process of forfeiture was commenced against him in parliament. He was singled out along with John, Earl of Melfort, and John, Earl of Middleton, as the only persons to be prosecuted for the time.<sup>3</sup> On 2nd July 1695, sentence of forfeiture was pronounced against him.<sup>4</sup>

Sir Robert Dickson of Inveresk was the next owner of Carberry. He was descended from John Dickson, a wealthy merchant in Glasgow, and was the grandson of the celebrated David Dickson, minister of Irvine, and afterwards professor of divinity in the University of Glasgow, who was the only child of John Dickson, the Glasgow merchant. Sir Robert was commissioner to parliament from 1703 to 1706 inclusive.<sup>5</sup> He was also a commissioner of supply for Edinburgh in 1704.<sup>6</sup> He voted for the Union in 1707.<sup>7</sup> He died in October 1711,<sup>8</sup> and was succeeded by Sir Robert Dickson of Inveresk, his son.<sup>9</sup>

Dr. Alexander Carlyle was minister of Inveresk parish from 1748 to his death in 1805—a period of nearly sixty years. In his Autobiography

<sup>1</sup> Acts of the Parliaments of Scotland, vol. vii. p. 603.

<sup>2</sup> Inveresk Parish Lore, by R. M'D. Stirling, p. 144.

<sup>3</sup> Acts of the Parliaments of Scotland, vol. ix. p. 407.

<sup>4</sup> *Ibid.* pp. 112-114.

<sup>5</sup> *Ibid.* vol. xi. pp. 30, 114, 207, 301.

<sup>6</sup> *Ibid.* p. 139.

<sup>7</sup> *Ibid.* p. 404.

<sup>8</sup> Services of Special Retours—Lindsay's —1700-1749.

<sup>9</sup> *Ibid.*

he makes allusions to Carberry and Sir Robert Dickson its owner. Sir Robert did not reside at Carberry, but his brother-in-law, Lord Elchies, a senior judge, who married a sister of the baronet, lived there with his family of three sons and several daughters. While at Carberry they had the use of the Carberry aisle in the parish church. Referring to the period soon after his settlement at Inveresk, Carlyle says there was a good room in the aisle. When Lord Elchies attended at church he retired to this room for a cold collation. On these occasions he was in the habit of entertaining Sir Robert Dickson of Carberry and Carlyle himself when he did not preach in the afternoon.<sup>1</sup> Carlyle gives some reminiscences of his lordship.

Sir Robert Dickson, Carlyle states, was a weak and vain man, and went through his whole fortune. He sold the estate of Carberry about the year 1752 to John Fullerton, who afterwards resided on the estate<sup>2</sup> and was designated of Carberry. When the sale of the estate took place, Lord Elchies removed to the House of Inch, near Edinburgh, where he died in 1754.<sup>3</sup>

John Fullerton lived after his purchase of Carberry for twenty-three years. He died on 4th February 1775, and was buried in the aisle belonging to the estate at Inveresk.<sup>4</sup> He married Elizabeth Coult, but had no children. Before his death, on 2nd September 1774 he made an entail of his estate.<sup>5</sup> In accordance with his entail, Elizabeth Coult received sasine of Carberry in liferent. The sasine is dated 13th, and recorded in the Particular Register of Sasines for Edinburgh on 14th March 1775.<sup>6</sup>

<sup>1</sup> Autobiography of Dr. Alexander Carlyle, pp. 211, 212.

<sup>2</sup> *Ibid.* pp. 213, 259. Helen, Ann, and Margaret Dickson are respectively retoured heirs-portioner general to their brother, Robert Dickson, and to their father, Sir Robert Dickson of Carberry, Baronet, on 21st July 1778. [Special Retours of Service—Lindsay's—1770-1779.] The family of

Dickson afterwards became extinct [old Statistical Account, vol. xvi. p. 10].

<sup>3</sup> Autobiography of Dr. Alexander Carlyle, p. 212.

<sup>4</sup> Inscription on his monumental tombstone at Inveresk, a drawing of which is in the Elphinstone charter-chest.

<sup>5</sup> Inventory of Title-deeds of Carberry, *ibid.*

<sup>6</sup> *Ibid.*

On the death of Elizabeth Coult, relict of John Fullerton of Carberry, on 7th January 1802, the estate of Carberry descended to Elizabeth Fullerton, the eldest daughter of William Fullerton of Carstairs, and niece of John Fullerton of Carberry. She was the wife of the Honourable William Elphinstone, third son of Charles, tenth Lord Elphinstone, a director and chairman of the East India Company. After this event William Elphinstone prefixed the surname of Fullerton to his own. On 7th February 1776, Elizabeth Fullerton was served heir to her uncle under the entail.<sup>1</sup> On 23rd February 1776, resignation was made of Carberry in favour of Elizabeth Coult in liferent, and Elizabeth Fullerton in fee.<sup>2</sup> A charter of resignation was on the same day obtained from the crown in their favour.<sup>3</sup> Following on these they obtained sasine of Carberry on 1st July 1776.<sup>4</sup> Elizabeth Coult, the widow of John Fullerton of Carberry, died on 7th January 1802, aged eighty-nine years, and was buried beside her husband.<sup>5</sup>

The Honourable Elizabeth Fullerton Elphinstone of Carberry, after surviving her husband for six years, died on 27th May 1840. On the death of their eldest son, John Fullerton Elphinstone, unmarried, in 1854, the estate of Carberry was inherited by his only surviving brother, Lieutenant-Colonel James Drummond Buller Fullerton Elphinstone, the youngest son of the Honourable William Fullerton Elphinstone. He was served heir of entail and provision special in the lands of Carberry, etc., on 4th October 1854.<sup>6</sup> Carberry has since continued in the possession of the Elphinstone family, and is their principal residence.

<sup>1</sup> Retours of Special Service—Lindsay's—1770-1779; also Inventory of Title-deeds of Carberry entailed estate, in Elphinstone charter-chest.

<sup>2</sup> Inventory, *ibid.*    <sup>3</sup> *Ibid.*    <sup>4</sup> *Ibid.*

<sup>6</sup> Drawing of monumental tombstone and inscription, *ibid.*

<sup>6</sup> Retours of Special Service—Lindsay's—1850-1859.

## ARMOURY AT CARBERRY TOWER.

One of the chief attractions of the picturesque residence of Lord Elphinstone at Carberry Tower is the splendid collection of arms, family pictures, and relics of various sorts which are there preserved. The armoury contains specimens of the weapons of warfare of many nations of a great variety of types, from the primitive stone club of the savage to the highly finished and decorated blades from the workshops of the skilful artisans of India and Arabia. These weapons were mainly brought together by the labours of William, fifteenth Lord Elphinstone, whose early years of service in the Royal Navy in various regions of the world afforded him exceptional opportunities for the procuring of such a varied and interesting collection. His continued zeal and interest in the subject led him to take advantage of every chance of adding to his armoury whatever he considered would go to increase its value; and many of the specimens obtained in his earlier years could not have been procured without incurring considerable personal risk and inconvenience. In later life, when his naval successes in the Crimea, in China, and elsewhere, his succession to the title and estates of Elphinstone and Carberry, and his nomination to the representative peerage of Scotland, had brought him into prominence, his interest in his armoury remained as strong if not stronger than ever, and he received many gifts of weapons for his collection from those among his numerous friends who had the opportunity of procuring such specimens. Officers in the navy, Arctic explorers, friends and acquaintances holding public positions abroad, and travellers in various regions, from time to time presented to his Lordship specimens of the arms, ornaments, and costumes of the native tribes with whom they came in contact; while he himself spared no expense to procure a good weapon whenever it came within his reach.

His armoury thus steadily increased till it came to contain a very large number of specimens of the weapons of warfare of many tribes and nations,

being especially rich in those curious and grotesque instruments which are the handiwork of savage and uncivilised races. The collection is not limited to weapons alone, but is rendered more interesting by containing numerous examples of the crude and curious ornaments and primitive garments of these races. In addition, the armoury is further enriched by the presence of a number of Scottish and other weapons, whose interest lies mainly in their historical associations.

All these were carefully and methodically brought together and arranged by the late Lord Elphinstone, who further made out an elaborate catalogue with his own neat and skilful hand, in which every weapon is assigned its place and number, with a descriptive note to each, shortly stating its history and the date of its addition to the Carberry collection; and further, there is subjoined in each case a small but very neat and accurate sketch of the weapon by his lordship's own artistic hand, to facilitate the identification of each specimen.

The armoury at Carberry Tower also contains arms of another kind. Around the walls are displayed the heraldic shields depicting the armorial bearings of the Elphinstones, Lords Elphinstone, each impaled with those of his noble spouse in case of marriage, from Alexander, first Lord Elphinstone, and Elizabeth Barlow, his wife, in 1509, down to and including William, fifteenth Lord Elphinstone, and the Lady Constance Euphemia Woronzow Murray, represented by the arms of Elphinstone impaled with those of the house of Dunmore. Here are seen the armorial bearings of many noble and ancient Scottish families, showing the very appropriate nature of the marriages of the baronial family of Elphinstone—the Erskine pale and the Drummond bars, the cinquefoils of Livingstone and the primroses of the noble house of Rosebery, the lion rampant of the Maitlands and the red chevron of the Flemings, the pales of Ruthven and the silver stars of the Murrays, tressures and double tressures flowered and counter-flowered with fleur-de-lis. Above the fireplace on a

central shield are represented the full armorial bearings of Lord Elphinstone, with all his quarterings of Fleming, Fraser, Keith, Drummond, Fullerton and Buller; while flanking it on either side are the arms of the two baronial cadets of the family—Balmerino and Coupar.

Around the walls of the armoury, arranged in a picturesque manner, is the large and varied collection of weapons already referred to. It is, of course, utterly impossible within the limited scope of the introduction to the general history of the Elphinstone family to give any detailed or comprehensive description of these arms, which would require a separate volume of ample size; but it is desirable to follow the description of Carberry Tower with a general reference to this fine collection, which forms one of its chief attractions, and any specimens of more than passing interest may be alluded to at some length.

Some of the most curious and interesting weapons in the armoury were procured by Lord Elphinstone at an early age, when he was a midshipman on board H.M.S. "Grampus," a vessel which was despatched on service to the islands of the South Pacific Ocean in the year 1849. While cruising among these islands young Elphinstone took the opportunity of studying the habits and mode of life of the natives as far as practicable, and obtained many specimens of the weapons, ornaments, and costumes of these South Sea islanders, especially from the Island of Tahiti, at which the vessel was principally stationed. The weapons of these savage tribes are of the most primitive description, and often of grotesque and curious form, being constructed of such limited materials as are at their command—wood and stone, and the teeth and bones of animals and fish. In Lord Elphinstone's collection are clubs of fish-bone and ironwood from these islands, and an axe with head of roughly hewn stone. Another interesting item is a small loin-belt woven of simple seaweed, which represents the full-dress suit of a native of the Fiji Islands, while a rough grass mat composes the corresponding female costume in these sunny regions, where the cares of dress and fashion are unknown.

The poisoned arrows, so characteristic of the savage, are here in evidence, and the Elphinstone collection contains two of these weapons from the Solomon Islands, presented by Captain Hope of the Royal Navy to Sir George Gray, who in turn transferred them to the possession of Lord Elphinstone on the occasion of his visit to New Zealand. A gruesome relic from the Sandwich Islands cannot fail to arrest attention—an elaborate ornament worn round the neck of the chiefs of tribes on state occasions and at the funeral of royal personages. Of crescent shape, this extraordinary appendage is woven from the hair of the women of one family, while attached to its centre is a hook of walrus ivory used on these solemn occasions for the support of skulls and similar relics of barbarity.

The Elphinstone collection also contains many weapons from New Guinea and the islands of the Malay Archipelago, a region of especial interest, made familiar by the travels and researches of that most accomplished explorer and naturalist, Alfred Russel Wallace. From 1849 to the beginning of the Crimean War in 1854, William Elphinstone was engaged on board the "Cleopatra" in the Chinese seas in the work of watching and destroying pirates, and while cruising in the neighbourhood of these islands had a good opportunity for the study of the native customs and peculiarities. Among the many trophies which he brought home from this voyage may be mentioned a novel charge of grapeshot, composed not of leaden slugs but of fragments of coral bound up in cylinders of bamboo, which was taken from the piratical stockade at Tonquin, on the north-west coast of Borneo, by the boats of H.M.S. "Cleopatra."

In connection with a specimen of paddles used by the Milano tribe of North Borneo, his lordship adds an interesting note in his catalogue in reference to that remarkable tribe, which is the most numerous one on the island: their houses are built on posts raised about forty feet from the ground for protection against the Dyaks and other tribes. They have a firm belief in good and evil spirits, and regulate their journeys by the flight of birds. This

tribe flatten the heads of their children by means of a cumbrous apparatus which is fixed on the soft growing head of the young child to mould the bones to the required shape. Lord Elphinstone has a specimen of this instrument in his armoury.

The Elphinstone collection also contains a fine example of the "sumpitan" or blowpipe, the favourite and characteristic weapon of these islanders, from which they discharge with so much precision the little poisoned darts which carry sure and rapid death in their silent flight. The blowpipe is laboriously prepared from a suitable selected piece of hard wood, the interior of which is gradually bored out to the requisite size and smoothness. Along with the blowpipe is preserved an ornamental case or quiver for holding the poisoned darts. It is constructed of bamboo, and has attached to it two carved gourds fitted with stoppers for holding the poison, and also a flat stone or some other such article to act as a charm, and protect the wearer from imaginary evil. The poison is manufactured from the juice of the "lepas" tree, cooked over a slow fire on a leaf until it assumes the consistency of soft wax. When required for use the bark of a tree is mixed with it, when it becomes a potent and deadly poison, producing death in from half-an-hour to two hours. This weapon has a range of from eighty to ninety yards, but is most effective at a somewhat shorter distance. In Borneo it takes the place of the bow and arrow of other savage tribes, and is made only by the aborigines, and not by the Mohammedan natives.

From the same island there are preserved in the Elphinstone collection numerous examples of the native costumes and ornaments, including a dress made entirely from the skin of the leopard, and a hat of the same material ornamented with colours; head-gear of plaited grass of various hues, coils of heavy brass wire worn as ornaments round the neck, the arms, the loins, and the ankles by the native tribes, especially the Dyaks, and many other interesting curiosities.

The island of New Guinea, inhabited by the savage and cannibal Papuans,

is also well represented in the armoury at Carberry Tower, by many curious and grotesque weapons and ornaments, stone clubs, paddles, bows and arrows, etc. Lord Elphinstone presented a number of specimens from this island to the Edinburgh Museum of Science and Art in 1887, including some interesting costumes, eighty-nine pieces in all. Among these may be mentioned a "Duk-Duk" or native dress and mask of grotesque form, got up to resemble a bird, and worn by the warriors at their tribal feasts: and so careful are they to keep this costume from the female members of the community that it is considered certain death to any woman should she allow her eye to fall on it but for a moment.

Besides these numerous and varied relics from the sunny islands of the tropics, the Elphinstone collection contains a number of interesting specimens from the cold and barren regions of the Polar seas. The majority of these were presented to Lord Elphinstone by the kindness of Lieutenant Parks, R.N., who was lieutenant of H.M.S. "Investigator," one of the vessels which composed the Arctic Expedition of 1852. Among these may be mentioned a fishing-rod from the coast of Alaska, with line made from the sinews of the reindeer, the hooks being baited with little pieces of red coral and let down through a hole in the ice, while attached to the line is a piece of bone modelled in the shape of a fish, which serves the double purpose of a sinker and at the same time is supposed to attract the real fish to the bait. A number of Esquimaux arrows, a spear constructed of walrus ivory from Cambridge Bay, and an Esquimaux native costume made from the inner skin of seals, were also presented to his Lordship by Lieutenant Parks, and are now preserved in the Elphinstone collection.

Several of the later members of the Elphinstone family, as is shown in the memoirs of the Carberry line, were associated for many years with that strange land of mixed barbarity and civilisation in the far East—the country of China. It was here that John Fullerton Elphinstone, the eldest son of the Honourable William Fullerton Elphinstone, the venerable East India

Director, spent the best part of his life as chief of the factories at Canton in the service of the East India Company, while his younger brother, Colonel James Drummond Elphinstone, father of the late Lord Elphinstone, also served for a time in that country. As narrated in his memoir, William, fifteenth Lord Elphinstone, was engaged for several years in naval service in the Chinese seas; and it is therefore not surprising to find that Chinese weapons and curios form a considerable part of the Carberry collection. To one of these weapons it may be interesting here briefly to refer, viz.: a curiously shaped broad and heavy sword, one of the dreaded execution swords of that country, with which their criminals and pirates are so rapidly and summarily despatched. A graphic description of the use of this weapon is annexed to it in the catalogue. The execution ground at Canton was a narrow muddy lane between low buildings. Prisoners for execution were brought to the ground in baskets slung on a bamboo pole and carried by two men. A small piece of bamboo cut with a slit is stuck inside the shirt at the back of the neck of each prisoner, and in the slit a piece of paper is inserted on which is stated the name of the criminal together with his crime, his hands being tied together behind his back.

The friends of the criminals are in general allowed to give them their last meal of rice, and they generally mix opium with the rice and so partially stupify the victim and lessen the agonies of his last moments. Arrived on the scene of execution, they are unceremoniously pitched out of the baskets, and placed kneeling in two rows, all facing the same direction. The bamboos are then taken from the necks of the criminals and given over to the head mandarin, who thereupon gives the order, when two executioners, each accompanied by an assistant, come forward.

The assistants seize the arms of the two front criminals and raise them, which has the effect of throwing the head forwards. One blow from the executioner, with the sword referred to, severs the head, which rolls on the ground, and the body falls forwards. The same operation is then

repeated upon the man immediately behind the last victim, and so on until all are executed. So dexterous are the executioners that eight to ten minutes is sufficient time to execute from fifty to sixty men, the swords being changed after every third head. The heads are then collected and counted in order to see that the number of heads corresponds with the number of bamboo tallies.

Among the Eastern objects may also be mentioned a fishing-rod from Japan, the joints of which come out by blowing through the butt; this novel instrument was presented to Lord Elphinstone by Admiral Sir Alexander Milne, baronet, in 1872.

The Elphinstone collection further contains many specimens of Indian and East Indian weapons, including a shield from Guzerat inlaid with stones, brought home by the thirteenth Lord Elphinstone, Governor successively of Madras and Bombay. An instrument of especial interest in this group comes from Afghanistan, which in its construction and use is eminently characteristic of the cruel and treacherous inhabitants of that country. It is named the "wagnuck," or tiger's claw, and is a small steel weapon with four prongs or claws, made to fit on the fore and little fingers, and so constructed that it can be easily concealed in the half-closed hand. It was with this that Sivajee, the famous Marathi chief, killed Afzul Khan, the Mogul commander at Pertubgurh, a hill fort in Afghanistan. The murderer approached to converse with the commandant apparently unarmed, but with the deadly "wagnuck" concealed in his closed hand, and while talking suddenly struck his victim a fatal blow on the abdomen with the instrument.<sup>1</sup> It was presented to Lord Elphinstone by Mr. Loudon, who heard a graphic account of the incident on the spot from the hereditary keeper of the fort—a fine old Marathi.

Many other specimens of weapons and ornaments from various regions of the world are contained in the collection at Carberry; but space will

<sup>1</sup> *Vide* Grant Duff's *History of the Mahrattas* for detailed narrative of this incident.

not permit of further reference to them here; and this very brief and general description of the armoury may be brought to a close with a notice of several specimens which are of interest mainly from their historical associations. First among these to attract attention is a group of spears which were taken by the British force at Magdala after the death of King Theodore; a further interest attaches to these weapons from the fact that they were brought home by Captain Tryon of the Royal Navy and presented by him to Lord Elphinstone in the year 1868. Along with these is another group of arrows with three shields, which were given to Admiral Sir William Hewitt by King John of Abyssinia in 1884 and by him transferred to the possession of Lord Elphinstone.

Among the European weapons in the Elphinstone collection three at least are deserving of mention here,—a battle-axe with ornamental head from Turkey, given by the Pasha of Smyrna to the Honourable J. M. Yorke, R.N., when visiting that country with H.R.H. Prince Alfred in H.M.S. "Euryalus" in 1859, and afterwards presented to Lord Elphinstone; a broadsword from Spain brought from Seville by Lord Elphinstone in 1862, bearing on the blade a neat and appropriate motto in the native tongue, which being translated reads, "Do not draw me without reason; do not sheath me without honour"; and a sword from Schleswig-Holstein, of the time of the Grand Duke Peter, afterwards the Emperor Peter the Third of Russia, presented to the fifteenth Lord Elphinstone by the Rev. James Montgomery, afterwards Dean of Edinburgh, in the year 1868.

A pair of Scottish Highland pistols in the Elphinstone armoury were given to Lord Elphinstone by James, Earl of Southesk, on 1st January 1866; they were the property of his father, Sir James Carnegie, who but for the attainder would have been the eighth Earl of Southesk. Another set of pistols are of interest from their historical association—they were the property of the Honourable James Keith, field-marshal in the service of King Frederick the Great of Prussia. Having been engaged in the rebellion of

1715 he was attainted of high treason and retired to the Continent, entering the service of the king of Prussia, who formed such a high opinion of his military talents that he raised him to the responsible rank of field-marshal. He met his death on the battle-field in an engagement with the Austrians on 14th October 1758 at the village of Hochkirchen, where a monument was erected to his memory by Sir Robert Murray Keith. Field-Marshal Keith was the brother of George, tenth and last Earl Marischal of Scotland, who was such a faithful friend to his young relatives of the house of Elphinstone, as is narrated in the family memoirs.

An ancient Scotch dirk, very rusty and broken, is carefully preserved among its more pretentious neighbours in the armoury. It was dug up on Carberry Hill in 1846, and is probably a relic of the battle array which gathered there more than three centuries ago, on 15th June 1567, on the occasion of the surrender of Queen Mary to the confederate lords of Scotland.

The historic field of Waterloo, where two of the members of the Elphinstone family were engaged, William Keith and James Drummond, the third and fourth sons of the Honourable William Fullerton Elphinstone of Carberry, is represented in the armoury by a cavalry sword which was used at the battle by the 7th Hussars, the regiment to which the younger of these sons belonged, and in which he was wounded in a cavalry charge at Quatre Bras, and taken prisoner. It was at Waterloo that General William Keith Elphinstone, at that time lieutenant-colonel in command of the Duke of Wellington's own regiment, the 33rd, took command of the whole Fifth Brigade in the great advance against Napoleon, and nobly distinguished himself, receiving the honour of Commander of the Bath in recognition of his services on that occasion, as will be found fully narrated in the memoirs of the Carberry line.

It may suffice to conclude this short notice of the armoury with a reference to an ingenious memento of the siege of Sevastopol, which is preserved at Carberry Tower. William, fifteenth Lord Elphinstone, took a prominent

not permit of further reference to them here; and this very brief and general description of the armoury may be brought to a close with a notice of several specimens which are of interest mainly from their historical associations. First among these to attract attention is a group of spears which were taken by the British force at Magdala after the death of King Theodore; a further interest attaches to these weapons from the fact that they were brought home by Captain Tryon of the Royal Navy and presented by him to Lord Elphinstone in the year 1868. Along with these is another group of arrows with three shields, which were given to Admiral Sir William Hewitt by King John of Abyssinia in 1884 and by him transferred to the possession of Lord Elphinstone.

Among the European weapons in the Elphinstone collection three at least are deserving of mention here,—a battle-axe with ornamental head from Turkey, given by the Pasha of Smyrna to the Honourable J. M. Yorke, R.N., when visiting that country with H.R.H. Prince Alfred in H.M.S. "Euryalus" in 1859, and afterwards presented to Lord Elphinstone; a broadsword from Spain brought from Seville by Lord Elphinstone in 1862, bearing on the blade a neat and appropriate motto in the native tongue, which being translated reads, "Do not draw me without reason; do not sheath me without honour"; and a sword from Schleswig-Holstein, of the time of the Grand Duke Peter, afterwards the Emperor Peter the Third of Russia, presented to the fifteenth Lord Elphinstone by the Rev. James Montgomery, afterwards Dean of Edinburgh, in the year 1868.

A pair of Scottish Highland pistols in the Elphinstone armoury were given to Lord Elphinstone by James, Earl of Southesk, on 1st January 1866; they were the property of his father, Sir James Carnegie, who but for the attainder would have been the eighth Earl of Southesk. Another set of pistols are of interest from their historical association—they were the property of the Honourable James Keith, field-marshal in the service of King Frederick the Great of Prussia. Having been engaged in the rebellion of

1715 he was attainted of high treason and retired to the Continent, entering the service of the king of Prussia, who formed such a high opinion of his military talents that he raised him to the responsible rank of field-marshal. He met his death on the battle-field in an engagement with the Austrians on 14th October 1758 at the village of Hochkirchen, where a monument was erected to his memory by Sir Robert Murray Keith. Field-Marshal Keith was the brother of George, tenth and last Earl Marischal of Scotland, who was such a faithful friend to his young relatives of the house of Elphinstone, as is narrated in the family memoirs.

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part in this engagement, being flag-lieutenant to Admiral Sir Houston Stewart, who was second in command of the naval force engaged in that great contest on the southern shores of Russia. He brought home with him several relics of this campaign, out of which he constructed an ornamental inkstand, composed of cannon balls. The large central ball which forms the cup or inkholder proper is a hollow bombshell, while the three smaller balls which support it are grapeshot. The piece of oak on which it stands is part of the maintop rail of the "Grand Duke Constantine," 120 guns, which was sunk in Sevastopol harbour. The granite, which forms part of the stand, is from the docks which were blown up and destroyed by the allied French and British fleets. The whole were brought home by Lord Elphinstone, and most ingeniously combined by him to form an inkstand commemorative of that engagement; and it now finds an honoured place among the many and various specimens of weapons and ornaments from all parts of the world, which were gathered together and arranged with such taste and effect by the hand of the noble founder of the Elphinstone Armoury at Carberry Tower.

There is preserved at Carberry a large brass gun, a howitzer, of Indian manufacture, which was taken at Karnul, in the Madras presidency, in 1839. In shape it somewhat resembles a decapitated bull seated on its haunches, and has a most interesting history attached to it. In the year 1838 an extensive conspiracy was detected among the Mohammedans of Southern India to overthrow the British superiority. For some time the attention of the police had been attracted by the emissaries of a sect named Wahabées, derived from the reformers of the same name in Arabia. But the object of the Indian Wahabées was not so much to reform the religion of Islam as to excite a religious war and drive the Christians out of India. The chief of the sect was a brother of the Nizam or ruler of the great province of Hyderabad. He was found to be in correspondence with other great Mussulman chiefs in India. A Turk, travelling through the country, got

into a dispute with a shopkeeper at Chittoor, near Arcot, which gave rise to a disturbance. He was apprehended, and when searched one of the constables, accidentally handling a large ball of wax found in the prisoner's pocket, discovered an Arabic letter emanating from Mecca, written in the most seditious terms.

Shortly afterwards, when John, thirteenth Lord Elphinstone, then Governor of Madras, was walking in the park at Gindy, a Hindoo threw himself at his feet, and declared that he had an important revelation to make, the result of which was that he had been an artificer in the Madras mint, a skilful worker in metals; that he had been decoyed to Karnul under pretext of casting a bell for the Nawab; but that on arriving he was seized and taken prisoner, and had been compelled to cast guns; that he had just escaped, and had fled for his life; and, fearing the vengeance of the Nawab, he had come to entreat the Governor's protection. He stated that he had cast upwards of eight hundred guns, which were buried in different parts of the fort at Karnul, and the Nawab was busily employed collecting powder, lead, balls, and all manner of ordnance stores, etc. After a careful and active investigation, numerous other proofs of the conspiracy were discovered. A large force was despatched to Kurnool under the command of General (afterwards Sir Scudamore) Steele; and Kurnool was besieged and taken after a smart action at Lorapoor, in which the Nawab was defeated. The native who had given the information pointed out the place where the guns had been buried, and the whole were brought to Madras; and thus what might have been a very serious insurrection was aborted by this timely discovery.

#### FAMILY PICTURES, ETC., AT CARBERRY TOWER.

It would be unfair to close this description of Carberry Tower, its history, surroundings, and contents, without making at least a brief reference to the fine collection of family pictures and interesting relics which are contained within its walls.

The pictures include a series of oil portraits of the chief members of the Elphinstone family from Alexander, fourth Lord Elphinstone, in the sixteenth century, down to and including William, fifteenth Lord Elphinstone. The majority of these have been photographed and reproduced in the form of collotypes as illustrations for the present Elphinstone Book, and will be found in their appropriate places in the detailed memoirs of the family. To a few of the more important it may be interesting here briefly to refer.

The frontispiece to this volume is formed by the portrait of the illustrious prelate, William Elphinstone, bishop of Aberdeen, and Lord Chancellor of Scotland, the munificent and enlightened founder of King's College, Old Aberdeen, which was afterwards incorporated with the Marischal College to form the University of Aberdeen. This famous Elphinstone was born about the year 1430, and died in 1514; he held many important positions, and took a leading part in the affairs of Scotland at the time. This portrait represents him adorned with mitre and crosier, and the ornamental robes of his office; in the corner are depicted the Elphinstone arms—a chevron between three boars' heads.

The next portrait of interest is that of Alexander, fourth Lord Elphinstone, who held the office of Lord High Treasurer of Scotland from 1599 to 1601. This picture bears date the year 1626, and represents him at the venerable age of seventy-five, as a tall and striking figure, with remarkably high forehead, and a long white beard. He is clothed with a very ornamental robe, which extends down almost to his feet, while in his right hand he holds a long and slender rod with carved top, apparently a sign of office. To his left is a table on which lie a number of volumes.

The next portrait, that of Lord Kildrummy, the fifth Lord Elphinstone, is one of the finest in the Elphinstone collection. The softness of outline, the distinctness of feature, the admirable shading of the pointed beard and complex frill, together with the natural and living expression of countenance, all mark out this portrait as the work of a master hand; while from

the date, and other collateral evidence, there is little doubt that this is one of the productions of George Jamesone, the Scottish Vandyck. It is well known that Jamesone painted the Sutherlands, and that John, twelfth Earl of Sutherland, corresponds with the date of Jamesone's period. The original painting is at Dunrobin, and has been collotyped for the Sutherland Family Book as late as the year 1892. The Earl of Sutherland and Alexander, fifth Lord Elphinstone, were contemporaries and warm friends. Several of the letters of the Earl, addressed to the fourth Lord Elphinstone, as his dear and loving father, are reproduced in this work. The twelfth Earl was married to Annas Elphinstone, the daughter of the fourth Lord Elphinstone, and the sister of the fifth. Both of these lords were frequent visitors, not only at their own Aberdeenshire estate of Kildrummy, but also to their daughter and sister the Countess of Sutherland. From the close connection of the Lords Elphinstone with their Aberdeenshire estates and the Earls of Sutherland at Dunrobin, George Jamesone could hardly have been passed over as a prominent painter in Aberdeen, and there seems little doubt that when he painted the Sutherlands, he also was the author of this beautiful portrait of the fifth Lord Elphinstone, so similar in style to that of his brother-in-law the Earl of Sutherland.

Coming down to the later members of the family, one of the most noticeable and stately figures is that of the Right Honourable George Keith Elphinstone, a son of Charles, tenth Lord Elphinstone, a famous naval commander, who took part in most of the stirring events of his time, and rose to the rank of Admiral; and who for his distinguished services against the French and other nations was created a peer of the United Kingdom, with the title of Lord Keith of Stonehaven Marischal; and afterwards advanced to the dignity of a Viscount. There are two portraits of him in the Elphinstone collection, one as a captain at the siege of Toulon in 1793, and another, at a later date, as Admiral Sir George Keith Elphinstone. The latter has been reproduced for the Elphinstone Book, and represents him as a

**1710**     *PORTRAIT OF MOUNTSTUART ELPHINSTONE, D.C.L.*

man of noble and commanding aspect and stately appearance, with the robes and decorations of his high naval office.

A generation later than Lord Keith, another member of the Elphinstone family had made a name abroad as one of the ablest and most popular administrators of our great East Indian Empire. This was Mountstuart Elphinstone, Governor of Bombay, the amiable and refined historian and statesman of India, and his portrait, which is a water-colour, and bears date 1817, is one of the most attractive in the Elphinstone collection. Seated on an arm-chair, beside a covered table, on which rest three volumes of his monumental work, he appears as the picture of refinement, culture, and amiability, while his noble countenance is expressive at once of the many attractive personal qualities, and the high intellectual attainments of this worthy Elphinstone.

There is preserved at Carberry Tower a very complete set of the portraits of the members of the Carberry line of the family. First among these is the venerable ancestor of this line, the Honourable William Fullerton Elphinstone of Carberry and Elphinstone, third son of Charles, tenth Lord Elphinstone, director and chairman of the East India Company. It was he that regained for the Elphinstone family the possession of their old Tower of Elphinstone, and by his marriage brought them the residence and estate of Carberry. There are three oil portraits of him preserved at Carberry Tower, one of them being by Opie. This portrait, which has been reproduced for the Elphinstone Book, represents him at an advanced period of his life. He is seated at a table with a half-open book in his hand, while two other volumes rest at his elbow. The large and noble head crowned with white locks, the massive and determined yet kindly countenance, are all characteristic of the man, who in his day was one of the leading and most respected members in the administration of the great East India Company, and who did so much for the welfare of the noble family to which he belonged.

Another picture of especial interest is one representing the two younger

sons of the Honourable William Fullerton Elphinstone of Carberry, as young men equipped for the hunting field with whip and gun. They were General William Keith Elphinstone who afterwards led the Fifth Brigade at Waterloo, and died in command in Afghanistan, and his brother, Lieutenant-Colonel James Drummond Elphinstone, father of the fifteenth Lord. There is another portrait of Lieutenant-Colonel James Drummond Elphinstone in later years, by Colvin Smith, a colotype of which is given along with his memoir.

William, fifteenth Lord Elphinstone, is himself represented by a portrait from the brush of Colvin Smith. This picture, which was painted in 1865, depicts him in Scottish dress with plaid and gun, and has been reproduced as an illustration for the Elphinstone Book.

The Elphinstone collection further contains a small group of oil portraits of the Keiths, Earls Marischal, including that of Field-Marshal Keith, second son of the ninth Earl Marischal, and brother of George, tenth and last Earl Marischal. He was a leading and respected officer in the service of King Frederick the Great of Prussia, and was killed at the battle of Hochkirchen in 1758. There is also a portrait of George, tenth and last Earl Marischal, whose kindness to his young relatives in the Elphinstone family in their earlier years contributed in no small degree to the fame and fortune both of Lord Keith and his brother, the Honourable William Elphinstone. His titles and hereditary office of Earl Marischal of Scotland were forfeited in 1715, and he died at Potsdam unmarried in 1778.

There is preserved at Carberry a series of oil paintings of the Flemings, Earls of Wigton, who were allied to the Elphinstone family by the marriage of the accomplished Lady Clementina Fleming, heiress of Cumbernauld, with Charles, tenth Lord Elphinstone. Two of these portraits—that of John, second Earl of Wigton, and his wife, Lady Margaret Livingstone, are by the celebrated Scottish artist, George Jamesone; while other two, including one of John, sixth Earl of Wigton, are from the brush of Sir John Medina.

This group also includes a portrait of Charles, seventh and last Earl of Wigton, who died unmarried in 1747, when the estates of Cumbernauld and Biggar descended to his niece, Lady Clementina Fleming, wife of Charles, tenth Lord Elphinstone, and afterwards to Admiral Charles Elphinstone Fleming, as the second son of the eleventh Lord Elphinstone.

The Elphinstone collection is further enriched by the presence of a number of portraits in oil of the Bullers of Trenant Park, Cornwall, who were allied to the Elphinstones by the marriage of Colonel James Drummond Elphinstone, grandfather of the present Lord Elphinstone, with Anna Maria Buller, the only child of Admiral Sir Edward Buller, baronet. One of these portraits is probably by Zoffany, and another by Sir Joshua Reynolds.

A large number of miscellaneous pictures, some of considerable value and interest, are included in the Elphinstone collection at Carberry Tower; and to a few of these it may be interesting briefly to refer in this very short summary. One is a portrait of a lady with a cat, which has rather a romantic story attached to it. At the capture of Oczakow in 1737, this Turkish lady, then a little child of six years old, clung for protection to the stirrup of Field-Marshal Keith, who rescued the young captive who had thus voluntarily sought his aid, and taking her home with him he made a present of her to his brother George, tenth Earl Marischal, under whose care she was brought up. The lady thus curiously affected by the fortune of war was supposed to belong to a family of some distinction, and afterwards married Monsieur de Fromont, secretary of the Government of Neuchatel.

Another interesting picture is an oil painting representing the engagement between the English and Dutch forces in the Java seas off Java Head on 26th July 1806, when Captain Charles Elphinstone, second son of the Honourable William Elphinstone of Carberry, in command of two English vessels, the "Greyhound" and "Harrier," defeated a Dutch squadron of four armed vessels, and brought three of them captives into port with him, richly laden with spices and other valuable produce of the Moluccas. For this

gallant service Captain Elphinstone received the presentation sword from the Patriotic fund at Lloyds, which is described and figured at another part of the Book.

Among the mementoes of the memorable battle of Waterloo is an oil painting of the black mare which was such a favourite with the young Elphinstones of Carberry. This animal was taken to Spain in 1813 by Captain James Drummond Elphinstone of the Seventh Hussars, and went through the whole of that trying campaign with him. It was afterwards ridden both at Quatre Bras and at Waterloo by his brother, Colonel William Keith Elphinstone, in command of the 33rd regiment. She was lost at that engagement but was afterwards recovered and brought home to Enfield, where the faithful mare died in 1839. Beside it hangs a picture of the white Arab horse which belonged to the thirteenth Lord Elphinstone while Governor of Bombay.

Among specimens of the work of more celebrated artists in the Elphinstone collection may be mentioned a Head by Raphael, which was presented by George, tenth Earl Marischal, to his grandnephew, the Honourable William Elphinstone; a Head of Rembrandt by Rembrandt; and a Head by Vandyck.

In the drawing-room at Carberry there are a large number of miniature portraits of the later members of the Elphinstone family, especially those of the Carberry line, two of which, viz., that of John Fullerton Elphinstone, and his brother, Captain Charles Elphinstone, the elder sons of the Honourable William Fullerton Elphinstone, have been reproduced side by side as an illustration for the Book. The younger of these two, Captain Charles Elphinstone, was the hero of the engagement with the Dutch vessels, and received the sword of honour.

Although not quite a picture, the article now to be described, which forms one of the treasures of the Elphinstone collection, may most fitly be mentioned in this place. It is a fan, painted in water-colours by Nicholas

Poussin the elder, in the year 1650. This is of especial interest and value from the circumstance of painting on leather or kid by this artist being very rare. He was known to have painted but very few, and those chiefly for ladies about the Court, previous to his commencing his greater works as a landscape painter. The fan has an interesting history attached to it. It was probably painted for Lady Lilius Elphinstone, daughter of Alexander, fifth Lord Elphinstone, and wife of the sixth Lord Elphinstone, and is signed "N. Poussin" in the left-hand corner, with the date 1650, and the word "Elphinstone" in the right-hand corner. It passed into the possession of two ladies named Aitken, descendants of Margaret, daughter of John, eighth Lord Elphinstone, who were living at Halifax, in Nova Scotia, in the year 1860; and having fallen into adverse circumstances they raffled the fan, for which they had previously refused the sum of a hundred and fifty pounds. Curiously enough, it fell to the lot of Lady Stewart, wife of Admiral Sir Houston Stewart, then commander-in-chief of that station, under whom Lord Elphinstone had fought as flag-lieutenant in the Crimean campaign. Lady Stewart presented the fan to William, fifteenth Lord Elphinstone, together with the original letters about it, and copy of an affidavit dated 1814; and thus this relic once again returned to the possession of the Elphinstone family, and is now preserved at Carberry Tower.

William, fifteenth Lord Elphinstone, was possessed of considerable artistic talent, and there are at Carberry several examples of water-colour drawings done by himself. These include a number of views of Coulin Forest in Ross-shire, a property acquired by his lordship about the year 1866. Most of these views bear date 1871. His lordship also executed a number of water-colours of scenery in Ceylon and elsewhere. One picture, made from a sketch by his lordship, is especially interesting, as it represents a memorable historical episode. It is a water-colour by Melville, representing Sevastopol harbour with its fortifications, and was done by that artist from a sketch made by William, fifteenth Lord Elphinstone, while blockading the

harbour, on board H.M.S. "Hannibal." The history of the sketch is as follows:—On the night of the 24th of February 1855, the Russians sunk their second or inner line of ships. William Elphinstone, then flag-lieutenant to Sir Houston Stewart, was sent on shore next morning to ascertain their position, and a sketch of the fortifications was made on the spot, as may be imagined, under great difficulties, as the Russians opened fire with musketry from the Quarantine Fort, and several shells were also fired at him from Fort Constantine. The outer line of ships was sunk after the battle of the Alma, and consisted of five vessels; but as this line was much shaken and damaged by the heavy gale on 14th November 1854, two additional vessels were sunk. The inner line, which was sunk on 24th February 1855, also consisted of five vessels, and in addition to these, a barrier of spars was interposed between the two lines of sunken vessels.

There are, in the Elphinstone collection, two water-colour drawings of the old Tower of Elphinstone in East Lothian, by James Drummond, A.R.S.A. A colotype of the old Tower, from a recent photograph, is included in the present work. The engraving of the Battle-Array of Carberry Hill has already been fully referred to in this Introduction, in the description of Carberry Tower and its surroundings.

#### THE ELPHINSTONE BIRTHDAY BOOK.

A manuscript volume which has furnished much minute information on the births, marriages, and deaths of the Elphinstone family, and has been so often quoted in this work, requires a word of explanation. It is a small octavo volume, plainly bound in calf. The written part extends to fifty-two pages, though several of these are left blank. The remainder of the volume is made up of unwritten paper. On the first page, as a frontispiece, occurs the following invocation in Latin:—

"Dum Sol et Luna splendent in firmamento, celeberrima Elphinstoniorum familia in terris feliciter floreat. Amen. 1685." Which may be thus

translated:—"While the sun and moon shine in the firmament, may the most famous family of the Elphinstones happily flourish in the earth. Amen. 1685."

This invocation was made in the time of John, eighth Lord Elphinstone, and may be in his handwriting, although that is uncertain.

The first entry in the volume records:—"I. The Birthe dayes of the lawfull begottin children of Alexander the first Lord Elphinston and Elizabeth Barley, his spous." The entries continue without break down to the death of John, twelfth Lord Elphinstone, at Bath, on 20th May 1813.

The first part of the book, comprising all the entries relating to the first Lord Elphinstone from the creation of his peerage in 1509 to his death at Flodden in 1513, and also the subsequent entries relating to the second, third, fourth, and fifth Lords and their children, down to the year 1625, appears to be in the handwriting of Alexander, sixth Lord Elphinstone, who succeeded to the peerage in 1648 and died in 1654. The subsequent entries relating to the sixth Lord and his children, consisting of two pages, appear to be in the handwriting of his son, Alexander, the seventh Lord Elphinstone, who died in 1669. This receives further confirmation from the entry referring to his own birth in 1647, which begins "Alexander Elphinstone, *now Lord.*" The entries after 1647 have additions made in different handwritings by members of the Elphinstone family, who were interested in the events which are there recorded as they occurred.

After 1670 the volume is continued in the handwriting of John, eighth Lord Elphinstone, and includes all his children, coming down to the year 1703. Subsequent to that date, the entries are continued by different hands down to 1813, when the record terminates.

No doubt the sixth Lord in compiling the earlier portions of this register had obtained the minute information which is there recorded from the members of his family, including his father-in-law, the fifth Lord, who had inherited the family traditions from his own father, the octogenarian fourth

Lord, who survived for eighty-six years. He would doubtless also be helped by fragmentary records of the births and deaths of the earlier members of the Elphinstone family from various sources which would not necessarily be preserved after the formation of this systematic family register. As a record of so many facts and figures, the book is remarkably free from errors. At a period when parochial registers of births, marriages, and deaths were much neglected, this Birthday Book reflects much credit on the care and industry of its authors.

THE NEW BAPTISMAL RECORD OF THE ELPHINSTONE FAMILY, BEGUN BY  
WILLIAM, FIFTEENTH LORD ELPHINSTONE, IN 1865.

Previous to the succession of the fifteenth Lord Elphinstone in 1861, the old Birthday Book had been discontinued since the birth of John, the thirteenth Lord, as previously stated. A new register was commenced by the fifteenth Lord, and it forms an original and beautiful record of the birth of all his sons and daughters. An old Scottish quaich which his lordship inherited from George, tenth and last Earl Marischal of Scotland, was utilised by him for this purpose, by affixing a number of silver shields around the interior of the bowl, on which are engraved the names of his children with dates of births and baptisms and the names of the sponsors in each case. The tradition is that the quaich was presented to Earl Marischal by one of the Royal Family of Scotland, and the Earl's initials, E. M., are carved in large letters on one of the handles. The quaich is made of oak, with three handles attached, and is a fine piece of workmanship, its interest being enhanced by the neat pointed shields, each with its careful inscription.

The present Lord Elphinstone has expressed his intention of having the original Birthday Book continued from 1813 to the present date.

ALLIANCES BETWEEN THE ELPHINSTONES AND DRUMMONDS,  
INCLUDING HAWTHORNDEN.

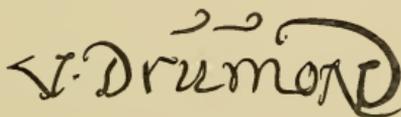
Between the noble houses of Elphinstone, Lords Elphinstone, and the Drummonds, Earls of Perth, there were frequent intermarriages. Robert, the third Lord Elphinstone, married, in 1546, Margaret Drummond, daughter of Sir John Drummond of Inverpeffray. Marjory Elphinstone, sister of Robert, third Lord Elphinstone, married Robert Drummond of Carnock, in the county of Stirling. She was the mother of Sir John Drummond, knight, the first of Hawthornden, and the grandmother of his son, Mr. William Drummond, the second of Hawthornden, who was the famous poet and scholar. Alexander, fifth Lord Elphinstone, married in 1607 Lady Elizabeth Drummond, sister of James, first Earl of Perth. Clementina Elphinstone, youngest daughter of Charles, tenth Lord Elphinstone, and his wife, Clementina Fleming, Lady Elphinstone, married in 1785 James Drummond of Perth, afterwards created Lord Perth.

Even previous to those frequent intermarriages, the Lords Elphinstone and the Drummonds were on terms of intimate friendship as neighbours in the county of Stirling. Amongst the Elphinstone muniments there are preserved documents relating to land transactions between Alexander, fourth Lord Elphinstone, and Sir John Drummond, knight, the first of Hawthornden, and his son, William Drummond, younger of Hawthornden, dated in the year 1610. The signatures of Sir John Drummond affixed to these documents are almost illegible scrawls, while those of his son William are as distinct as large lettered print, as may be judged from the wood engraving here subjoined. When he thus wrote his name in the year 1610, the poet was in his twenty-fifth year. It may be of interest to compare this signature with that given in Professor Masson's interesting life of the poet,<sup>1</sup> and also with the separate specimen of his signature appended to the

<sup>1</sup> Preface, p. ix.

characteristic letter which the poet wrote to his cousin, the fifth Lord Elphinstone, addressed as Lord Kildrummy, in 1639.<sup>1</sup> The surname of Drummond, owing to the frequent alliances between the chiefs of the two families, has been continued as a Christian name to the present and recent generations of the Elphinstone family.

The testament of William Drummond of Hawthornden, the poet, is printed among other family testaments in the second volume of the present work. The testament or will is dated 1653.



## GENERAL DESCRIPTION OF THE PRESENT WORK.

The history of the Lords Elphinstone, as now printed in these twin volumes, may be shortly described in this place. The General Table of Contents prefixed to volume I. gives a short outline of what is contained in that volume. The Introduction gives a special description of the castles, baronies, and other territories respectively occupied and held by the Elphinstone family from early times when they first appear as owners of the ancient Tower on the rocky eminence at Elphinstone in East Lothian, which was the cradle of their race. The general description of their successive castles of the original Elphinstone in East Lothian, the new Elphinstone in Stirlingshire, and Kildrummy in Aberdeenshire, and also of their other mansions in several counties of Scotland, will give some idea of where the members of the family of Elphinstone resided from time to time throughout so many centuries. Such an introduction seemed to be a necessary and

<sup>1</sup> Volume I. of this work, p. 203.

fitting preliminary to the full understanding of the detailed memoirs of the entire line of the Elphinstone family, extending in all to twenty-three generations. In addition to the Introduction there is also printed in the first volume a Tabular Genealogy of the Elphinstones, Lords Elphinstone, to the present time. That Tabular Genealogy is not a mere sketch or skeleton outline. It is in reality a "*Vidimus*" of the whole history of the family, and is applicable to both volumes.

The first volume, which is devoted almost entirely to memoirs, brings down the history of the family from its first known progenitor to the close of the lives of the thirteenth and fourteenth Lords Elphinstone; while the second volume continues the memoirs with the history of the members of the Carberry line of the family, down to and including the fifteenth and sixteenth Lords Elphinstone. All these detailed memoirs in both volumes are as full and exhaustive as the muniments in the Elphinstone charter-boxes, and the space available for them in the Elphinstone Book, enable them to be recorded.

#### THE ELPHINSTONE PORTRAITS.

Along with the memoirs in the first volume of the long line from 1200 to the thirteenth Lord, who died in 1860, there are colotype portraits of Alexander the fourth Lord Elphinstone and many of the other lords, who in turn succeeded him, down to and including John the thirteenth Lord. There are also similar portraits of Admiral Lord Keith and of the Honourable Mountstuart Elphinstone, the able statesman and historian of India, as well as of the saintly William Elphinstone, Bishop of Aberdeen, the founder of King's College, or oldest university there, who forms a fitting frontispiece to this volume. His life has been frequently written in histories and biographical works of eminent Scotsmen. He alone would confer honour upon any family, church, or country with which he was connected. By anticipation of a description of the contents of the second

volume, it may here be noted that the portrait of the present representative of the family, Sidney Herbert, sixteenth Lord Elphinstone, who has done so much for the promotion of this work, is worthily assigned a similar place in that volume.

Besides these family portraits, all of which except the last named are included in the first volume, there is also introduced a portrait of Queen Margaret Tudor, wife of King James the Fourth, from an interesting original portrait of Her Majesty and the Duke of Albany, in the possession of the Marquess of Bute, K.T., who has kindly consented to this portrait of Queen Margaret being introduced into the present work. In the Elphinstone charter-chest there are preserved several documents relating to Queen Margaret and her three marriages. These are also described in the memoir given of her in this volume. Her Great Seal of Arms has been specially engraved for this work, as it appears not to have been noticed in any recent book on heraldry. Her signet seal has also been reproduced, and appears alongside of her great seal. Other two portraits have been conjoined in the Introduction—Cardinal David Beton and George Wishart the martyr. They were two very different men, and are brought here together from the circumstance that they were both at the old Tower of Elphinstone shortly before the execution of Wishart. In the first volume there are in all seventeen Elphinstone and other portraits.

#### ELPHINSTONE TOWERS.

In addition to these portrait illustrations there are several collotype photographs, including the original Elphinstone Tower in East Lothian, the remains of the second Elphinstone Tower and church in Stirlingshire; also two views of Carberry Tower, the ruins of Kildrummy Castle, Aberdeenshire, the Elphinstone aisle at Kildrummy, built in 1605, and several monumental stones in Kildrummy aisle.

In this volume there are also numerous woodcut signatures and seals of the Lords and Ladies Elphinstone from Alexander the second Lord in 1528 to John the thirteenth Lord Elphinstone. Besides these there are other woodcut signatures, including two of Queen Margaret Tudor and those of her second and third husbands, Angus and Methven, with a seal of the former; Annas Elphinstone, Countess of Sutherland, her husband John the twelfth Earl, Lady Jane Gordon, Countess of Sutherland, her mother-in-law, and John, thirteenth Earl of Sutherland, her son; and also of William Drummond of Hawthornden, the poet—in all thirty-nine woodcut signatures.

The second volume of the Elphinstone Book contains the detailed memoirs of the Honourable William Fullerton Elphinstone of Carberry, third son of Charles the tenth Lord Elphinstone. Mr. Elphinstone was a prominent director and chairman of the East India Company. He was one of its most highly respected and influential members. A letter from Warren Hastings, Governor-General of India, to Mr. Elphinstone on a resolution in his favour passed by the court of directors, is printed in his memoir, and also given in facsimile in this volume. Detailed memoirs of this venerable and respected nonagenarian and his descendants down to the present sixteenth Lord, his great-grandson, form the first portion of this second volume. The part of the volume which immediately succeeds these later memoirs contains a pedigree of John Elphinstone of Baberton and Selmes, and also one of James Elphinstone, his younger brother, created first Lord Balmerino in 1603, and their descendants. These two pedigrees, with the detailed memoirs of Baberton and Selmes, show the whole line of descent of these two brothers to their entire extinction in the male line. Following this is a short memoir of James Elphinstone, Lord Coupar, who was a younger son of the first Lord Balmerino.

Next to these memoirs comes a large collection of Royal Letters preserved in the Elphinstone charter-chest, a second section of State and Domestic Letters, and a third section of Correspondence between Sir Robert

Cecil, afterwards first Earl of Salisbury, Secretary of State for England, and James Elphinstone, first Lord Balmerino, Secretary of State for Scotland.

Following this correspondence is a selection from the charters of and relating to the family of Elphinstone, Lords Elphinstone. The first of these, about the year 1200, is a charter by Peter of Grame to the House of Soltre of three bovates of land in Elvynstoun. One of the most interesting of these charters is the charter of erection of the lands of Erth-Chalmerlane, Pittendreich, and Cragorth into the barony of Elphinstone. This charter, which bears date 4th January 1503-4 was by King James the Fourth to Sir John Elphinstone of Erth, knight, father of the first Lord Elphinstone. This selection, which embraces the period from *c.* 1200 down to 1508, is followed by the Patents of Peerage of the United Kingdom, conferred upon John, thirteenth Lord Elphinstone, in 1859, and William, fifteenth Lord Elphinstone, in 1885. As explained in the memoirs, the earliest of the charters from the De Quincys as lords of Tranent appear to have been retained by the heiress of Elphinstone when she inherited the lands after the battle of Piperdean, where her father fell.

Following the charters are several wills and other miscellaneous papers, including the testaments of James, first Lord Balmerino, in 1612; George Elphinstone of Blythswood, who therein acknowledges Alexander fourth Lord Elphinstone as his chief; William Drummond of Hawthornden the poet, a cousin of the Elphinstones; Marion Ogilvie, Lady Melgund; and several other Elphinstone writs.

The second volume further contains a comprehensive index of names of persons and places, which will facilitate ready reference to every portion of this work. This volume is further enriched with collotype portraits of the Honourable William Fullerton Elphinstone of Carberry, his two eldest sons John Fullerton Elphinstone and Captain Charles Elphinstone, his youngest son Colonel James Drummond Elphinstone, and his son the late

William, fifteenth Lord Elphinstone, and also his Dowager, Constance, Lady Elphinstone.

## CLAIMS BY CERTAIN ENGLISH ELPHINSTONES.

It may be proper here to notice that certain claims to Elphinstone honours have been made by Mr. Alexander Francis Elphinstone of Livonia House, near Sidmouth, Devon; (1) as descended from John Elphinstone of Baberton and Selmes, and as such the heir-male of James Elphinstone, Lord Balmerino, the younger brother of John; and (2) as a cadet or collateral branch of the Lords Elphinstone. Claim has also been made by Mr. Nicolas William Elphinstone, son of Mr. Alexander Francis Elphinstone, as heir male of Mr. William Elphinstone, cup-bearer to King Charles the First, who is said to have been created a baronet in 1628, and as such heir-male, styling himself Sir Nicolas William Elphinstone, baronet.

In regard to these claims generally it may be explained that the first intimation of them received by me was from Mr. Nicolas William Elphinstone himself in the month of October 1859. He waited upon me in Edinburgh, and was both frank and courteous in his communication. He pointed out in a copy of Douglas' Peerage of Scotland that his father Mr. Alexander Francis Elphinstone was the heir-male of John Elphinstone of Baberton and Selmes, and of his immediate younger brother James Elphinstone, Lord Balmerino. Mr. Elphinstone did not then submit any proof of his statements.

## ABANDONMENT OF CLAIM TO BALMERINO.

Twenty-eight years later Mr. J. H. Barnett, Mr. Elphinstone's London solicitor, a respected practitioner there, waited upon me in Edinburgh on 2nd December 1887. He explained that Mr. Elphinstone and he had abandoned all claim to the male representation of Balmerino, Baberton, and Selmes, for many years. Mr. Barnett then offered me, on behalf of the late

Lord Elphinstone, to hand over the numerous papers which had been collected in reference to the claim, as Mr. Barnett thought they might be useful to Lord Elphinstone in support of his own claim to Balmerino. But that friendly offer was not accepted.

A detailed descent of the family of John Elphinstone of Baberton and Selmes, and also a Tabular Pedigree of that line, as well as a full Tabular Genealogy of the Balmerino line, are given in the second volume of this work. These will show that Mr. Alexander Francis Elphinstone and his family were not well advised in putting forward such a claim. While this claim is now formally abandoned, the statement of the Baberton and Balmerino families referred to will save any such claim being hereafter revived.

#### CLAIM OF MR. NICOLAS ELPHINSTONE AS A BARONET OF 1628.

In regard to the other two claims made by the same family of Alexander Francis Elphinstone, and particularly the one made by Mr. Nicolas Elphinstone to the baronetcy said to be created in favour of William Elphinstone, the cup-bearer, in 1628, it may be explained that when Mr. Barnett of London waited upon me on 2nd December 1887, he wrote in my chambers, on a large sheet of paper still preserved, a Tabular Pedigree of his Elphinstone clients, showing that the alleged baronet was descended from John Elphinstone of Blythwood and his wife Elizabeth Douglas. This John Elphinstone, he said, was the common ancestor of two brothers both of the same name of John; the elder brother being the direct ancestor of the baronet of 1628, and the second John or Jock, in France, being the direct ancestor through his French and Orkney descendants of the other alleged baronet, Mr. Nicolas Elphinstone. Shortly after Mr. Barnett waited upon me, the claim of Mr. Nicolas Elphinstone came formally before the late Mr. Burnett, Lyon King of Arms for Scotland, for recognition as the baronet. That claim was not intimated to the late Lord Elphinstone, who on his

succession as fifteenth Lord, had his right duly admitted by the late Earl of Kinnoull, then Lord Lyon King of Arms, and his Deputy King of Arms. When the claim of Mr. Nicolas Elphinstone to be a baronet was made, Mr. Burnett did not admit it, partly on account of the deficiency of proof of the legitimacy of the second brother John or Jock. But before a final decision was pronounced the death of Mr. Burnett occurred. The claim of Mr. Nicolas Elphinstone was renewed before Mr. Balfour Paul, the new Lyon King of Arms, as successor to Mr. Burnett. The claim was debated in the Lyon Court on several occasions by counsel at the Scottish Bar, on behalf of the claimant. Both Mr. Burnett and Mr. Paul were trained lawyers at the Scottish Bar, and were learned in genealogical and heraldic subjects. They both readily saw the defect of proof in support of the claim, and indicated hostile judgments. The claim was not, in consequence, pressed to a decision in the Lyon Court; and by permission it was withdrawn along with the documentary proofs founded to support it.

THE NAME AND TITLE OF SIR NICOLAS ELPHINSTONE DROPPED FROM  
"DEBRETT" IN 1895.

Hearing that the claim to the baronetcy had not been allowed by the legal official judges of Arms, the editor of "Debrett's Peerage" after having included Mr. Nicolas Elphinstone as a baronet for several years, including also by name seven or eight of the alleged baronets previous to him, struck his name out of the list of baronets in the publication of "Debrett" in the year 1895. Another editor of an annual Peerage-book printed a note after the name of Sir Nicolas Elphinstone, baronet, "that the officers of Arms did not recognise this baronetcy."

MR. EDWARD WALFORD, FORMER EDITOR OF "LODGE'S PEERAGE."

The late Mr. Edward Walford, when he was editor of "Lodge's Peerage," was supplied with a paragraph by the late Sir Howard Crawford Elphin-

stone, son of Mr. Alexander Francis Elphinstone, stating that his family was a collateral branch of Lord Elphinstone's. As the notices of peers bore that these were revised by the peers themselves, which was not the fact as regards Lord Elphinstone, his Lordship remonstrated against such statements of claim, and repudiated them as unfounded. His remonstrances being disregarded by Mr. Walford in subsequent publications of "Lodge's Peerage, intimation had to be made on behalf of Lord Elphinstone that legal proceedings would be instituted to restrain the publication. Mr. Walford's editorship was soon afterwards discontinued, and he started the "Windsor Peerage," in which he of new advocated keenly the claims of these English Elphinstones to cadetship with Lord Elphinstone. He did so also in his small "Shilling Peerage" and in his larger "County Families." But all these statements in these annuals were made on mere *ex parte* information, and with no proper editor judicially informed as to the legal questions involved in the claim. Such party paragraphs either as to peerages or baronetcies by interested editors not trained as lawyers can never create peerages or baronetcies, or even effect branches of noble families where no real claim exists.

ELPHINSTONE ESTATE ENTAILS IN 1496 AND 1502 CONTAIN NO MENTION OF  
JOHN, FAMILIARLY CALLED JOCK.

These questions have been thoroughly investigated in the legal and recondite repositories of Lord Elphinstone's charter-chests. There exist two entails of the Elphinstone Family Estates made in the years 1496 and 1502 by Sir John Elphinstone, father of the first Lord Elphinstone, and the able and energetic founder of the new barony of Elphinstone in 1503. Both these entails are printed *ad longum* in the second volume of this work. They were made in the time of John Elphinstone, the common ancestor of the John Elphinstone in Glasgow who married Agnes or Elizabeth Forsyth, and of his alleged brother "John or Jock" of the same Christian name, in France and Orkney. Now these two family

**lxxxii** *EXAMINATIONS OF LORD ELPHINSTONE'S MUNIMENTS.*

entails, being made by the chief and male head of the Elphinstones, and being contemporary with the three Johns, give an ample exposition of the real state of the family at that date. John, the father and common ancestor, is named as one of the true heirs of the Elphinstones of Elphinstone, and so is his son John, the elder of the two brothers John.

But the John or Jock who is alleged to have been the younger brother, and of France and Orkney, is entirely omitted in both these early and important charter entails of the estates, thus showing that he was not acknowledged by the head of the Elphinstone Family in the years 1496 and 1502 as a legitimate cadet and member of that family, but was excluded and treated either as anonymous or illegitimate in origin.

REPEATED EXAMINATIONS OF LORD ELPHINSTONE'S MUNIMENTS BY THE  
AGENTS OF THE ENGLISH CLAIMANTS.

The late Lord Elphinstone was very generous in opening up his extensive MS. collections for historical and biographical purposes. Knowing well this feeling on the part of his lordship, I ventured to suggest to him, after he intrusted to me the preparation of an exhaustive report to the Royal Commissioners on Historical Manuscripts that he might indicate to Sir Howard Crawford Elphinstone that if any charters or other writs in support of the claim of his father to the Balmerino Peerage existed, they would be communicated to him. This offer was cordially accepted, and the promise has been duly observed; and it is a guarantee that nothing of importance has escaped notice after the whole collection had been repeatedly examined before they came into his Lordship's custody by two such experienced lawyers as Mr. John Riddell and Mr. James Law, W.S., the law-agent of Mr. Alexander Francis Elphinstone and his family. Indeed hundreds of Lord Elphinstone's muniments still bear the initials of J. L. for James Law, before the collection was finally delivered over by the agent of the former Lord Elphinstone to the late Lord Elphinstone, as fifteenth Lord. As counsel for Mr. Alexander Elphinstone and his family,

Mr. Riddell had to deal with a certain Birth-Brief, purporting to be given by King James the Sixth in favour of a certain Frenchman called Peter Dalvistoun, dated 1610.

Mr. Riddell in one of his legal works has turned Scottish Birth-Briefs into ridicule and contempt, and he roundly asserts that no Scotch pedigree can be accepted upon a Birth-Brief alone, as is proposed in the claim of Mr. Nicolas Elphinstone to the extinct baronetcy of 1628.<sup>1</sup>

SIR HOWARD CRAWFORD ELPHINSTONE'S MORAL BUT NOT LEGAL EVIDENCE.

It is but fair to Sir Howard Crawford Elphinstone to note that on agreeing to the withdrawal of the claim to cadetship with Lord Elphinstone, he wrote to his Lordship on 19th October 1866 that “the data we have are sufficient to establish morally, although insufficient to prove it legally.”

A short reference may be made as to the origin of all these claims which have been made by Mr. Alexander Francis Elphinstone and his family. During the correspondence in reference to these claims a letter was written by Sir Howard Warburton Elphinstone, the third *real* Elphinstone baronet, to the late Lord Elphinstone. It is courteously and frankly expressed. In it he explains that as a young man he lived a great deal with his grandmother, the widow of Sir Howard Elphinstone, the first baronet; and at her death he inherited all her papers. This lady was Frances, daughter of John Warburton, who was nephew of John Warburton, Somerset Herald of Arms in the Heralds' College, London. Amelia Warburton was the mother of Sir Howard Elphinstone, the first baronet. Being so connected with heraldry, Frances Warburton naturally took an interest in that and the kindred science of genealogy. She prepared a pedigree of the Elphinstone Family, and her grandson, the present Sir Howard, refers to her great care and accuracy in recording every fact stated in it, “subject,” he says, “to one exception, which, though unimportant to any one except my own branch of the family, is serious as regards them.”

<sup>1</sup> Legal Essays by John Riddell, 1835, pp. 74-78.

The claims which have been made by these respected English Elphinstones have been carefully investigated by learned lawyers both in England and Scotland on behalf of their clients, and submitted to the legal judges of claims to armorial bearings, two successive Lyon Kings of Arms, with the result stated in the foregoing pages.

In coming to the opinion on these claims, which I have stated, it is a satisfaction for me to think that that opinion has been formed impartially and independently, and that it is practically the same as the opinions of the two judges of arms in the Lyon Court.

THE PRESENT WORK THE ONLY HISTORY OF THE LORDS ELPHINSTONE.

The present history of the Elphinstones, Lords Elphinstone, is the only work authorised and approved of by the present Lord Elphinstone, who is the head and chief of the Elphinstone family.<sup>1</sup> He has inherited the charter muniments of the family from his father, the late fifteenth Lord Elphinstone, who in turn inherited them from John, thirteenth Lord Elphinstone. The late Lord was in possession of the Peerage and estates of Elphinstone for upwards of thirty years, from his succession in 1861 till his death in 1893. He was much interested in the history of his family, and gave a commission to the writer of these pages to form his numerous charter muniments and correspondence into a true and exhaustive family history. But he did not survive to see the work completed. His son and successor, the present sixteenth Lord, followed out the wishes of his father by renewing the commission for the history of the family. The late Lord, in promoting such a work, showed most generous confidence in intrusting to me his entire family muniments without reserve, and the present Lord, as his successor, has shown the same generous confidence and co-operated with great energy and ability in forwarding the work. After a long life devoted to the elucidation of the history of the noble and baronial houses of Scotland, and being responsible for the preparation of a long array of family histories, the writer

<sup>1</sup> Original letter, dated 1st May 1872, in Elphinstone charter-chest,

has been able to bring to bear on the present work a prolonged experience; and although in such a multitude of ancient documents and facts requiring patient study, there may be discovered some omissions and commissions, he trusts that the twin volumes of "Elphinstoniana et Balmeroniana," will be found by those who have to study them, a record carefully, faithfully, and truthfully written, and not unworthy of the ancient race.

#### CONCLUSION.

The Elphinstones Lords Elphinstone, through the long descent of centuries, have experienced the vicissitudes and changes, and the ups and downs like many other Scottish families. When they first entered upon possession of their commanding tower in the thirteenth century, they did not require to ascend to its summit to see thirteen counties. Quite before them were their own feudal superiors, probably Thorald of Tranent at his great castle, a mile or two to the east, subsequently obtained by the De Quincys, who were the feudal superiors both of the Elphinstones and Fawsides, another ancient race. The great De Quincys fell with the overthrow of Baliol; and Bruce gave their lands and superiorities chiefly to Sir Alexander Seton of Seton. He was the representative of the Setons of that ilk who for centuries flourished at Seton. The Setons thus became the superiors of Elphinstone and Fawside. In certain histories of the Seton family, it has been claimed that they were Setons of Seton from their first introduction to East Lothian. But it is undeniable that in the time of King David the Second, Margaret Seton, only daughter and heiress of Sir Alexander Seton, married Alan de Wyntoun. This alliance seems to have been considered ignoble, and created a great commotion in East Lothian. But it was not annulled, and Alan de Wyntoun was the progenitor of the future lairds of Seton and Earls of Winton, down to the time of George, fifth Earl, "who put it to the touch to gain or lose it all." He rebelled in 1715, and his peerages and estates became forfeited to the crown. His very palace, which had often been graced by the visits of royalty, was purchased by strangers and razed from

the face of the earth. Occupied as I happened to be from early years in reference to the descent of that family and their earldom of Winton, on behalf of their heir-male, the noble thirteenth Earl of Eglinton and Winton, I cannot but heave a sigh of regret for their unhappy fate.

While the Lords Elphinstone were the loyal feudal subjects of the Earls of Winton, and never swerved from fidelity to them, they were not involved in the fate of their feudal superiors. Although their ancient Tower of Elphinstone was lost to them for a time by the law of division between male and female heirs, the old tower had a romantic return to them after the lapse of centuries. Unlike the Setons with their early broken male line of descent through the Wyntoun intermarriage, they have continued as they began, in one unbroken line of male descent as Elphinstones of Elphinstone, conjoined from the year 1509 with the Scottish peerage of Lord Elphinstone conferred by the gallant King James the Fourth on his faithful subject, who was accounted his prototype on the disastrous field of Flodden. The Elphinstone honours are conjoined also, since 1885, with that British Barony of Elphinstone of Elphinstone, in favour of the late Lord, who had long been in the service of Her Most Gracious Majesty, Queen Victoria.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,

20th December 1897.

# TABULAR GENEALOGY

OF THE

## FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.

FROM A.D. c. 1200-1897.

I.—**JOHN DE ELPHINSTONE.** He was a witness to a grant by Roger de Quincy, Earl of Winchester in England, and constable of Scotland, to the monks of Dryburgh of the wood of Gladwood, c. 1250. He was also a witness to a donation by Gilbert de Haya to the Abbey of Coupar, 1250. John de Elphinstone was apparently father of

II.—**Mr. JOHN DE ELPHINSTONE.** He was a witness to a grant by Sir Fergus Cumyne, Knight, Lord of Gorgyn (Gorgie), to the Abbey of Holyrood of the mill-dam of Salchounn at the Water of Leith. Charter undated, but c. 1265. This Mr. John de Elphinstone was apparently the father of a third John de Elphinstone.

III.—**JOHN ELPHINSTONE,** who did fealty to King Edward the First, at Montrose, on 11th July 1296, and again at Berwick on 28th August same year, being designed of the county of Edinburgh. John Elphinstone survived until 1340. He married Marjorie Erth, heiress of Erthbeg. They had a son.

**ALAN ELPHINSTONE,** who did homage on 28th August 1296, and was designated of the county of Berwick. He was probably brother to John.

IV.—**ALEXANDER ELPHINSTONE,** who succeeded his father about the year 1340. He received, *circa* 1341, a charter from Thomas Erth of Wauchton, granting to him the lands in Erthbeg possessed by his late mother Marjorie, with fishings, and pasturage for six horses in the "Isle of Erth." He received from Sir Godfrey Ross the lands of Kythumbre, in the barony of Stonehouse, Lanarkshire. He died before 1363. He had issue.

V.—**ALEXANDER ELPHINSTONE,** styled "dominus ejusdem" in a charter by King David the Second, dated 1363. Previous to that year he granted to Alexander More, son of the late Sir Adam More, the lands of Kythumbre possessed by his late father, Alexander Elphinstone, in exchange for a piece of land in Erthbeg. He was succeeded by his son

VI.—**SIR WILLIAM ELPHINSTONE, KNIGHT,** who is named in a charter granted in 1397 by Sir William Lindsay of the Byres. He is supposed to have married Mary Leslie of the house of Rothies. He died before 1397, leaving issue.

VII.—**WILLIAM ELPHINSTONE,** who, in September 1397, received a charter from Sir William Lindsay of the Byres, who styles him kinsman and "dominus ejusdem," to him as son and heir of the late Sir William Elphinstone, Knight, of the lands of Pittendreich, in the shire of Stirling. He died c. 1424, leaving issue three sons.

**ALEXANDER,** named in charter of 1397.

**NORMAN,** named in charter of 1397.

**JAMES,** also named in 1397.

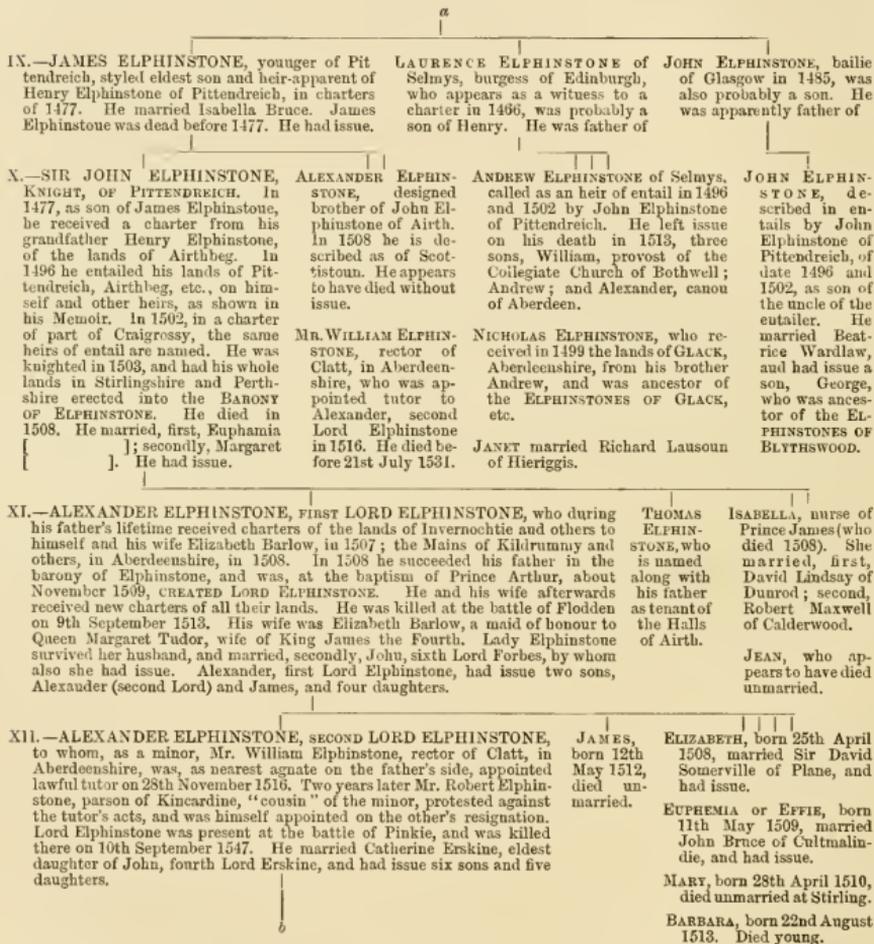
**ELIZABETH,** married Helisens of Kyn-dynmonth.

VIII.—**I. SIR ALEXANDER ELPHINSTONE OF ELPHINSTONE, KNIGHT,** who was killed at the battle of Piperdean on 10th September 1435, leaving only an heir-female. His daughter Agnes married Gilbert Johnstone, son of Adam Johnstone of Johnstone, in Annandale, who acquired with her the estate of Elphinstone, in East Lothian. Their descendants, designed Johnstones of Elphinstone, continued for many generations. But the tower and part of Elphinstone were sold, and afterwards again became the property of the Lords Elphinstone.

VIII.—**2. HENRY ELPHINSTONE,** of Pittendreich, who disputed the possession of Elphinstone with his niece Agnes. The question was decided by arbiters, in 1471, when the estate of Elphinstone was assigned to Agnes Elphinstone, while Airthbeg, Pittendreich, and Strickshall were assigned to Henry Elphinstone. In December 1477 he resigned Airthbeg to his grandson John. He is said to have married Jean Cunninghame, daughter of the laird of Polmaise. He had issue.

**MR. WILLIAM ELPHINSTONE,** canon of Glasgow and archdeacon of Teviotdale. He was father of the famous William Elphinstone, bishop of Aberdeen. He died on 30th June 1486.

2 TABULAR GENEALOGY OF THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.



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XIII.—ROBERT, THIRD LORD ELPHINSTONE, born 9th September 1530. In 1550 he had a charter of various lands to himself and his wife. In 1568, after the Earl of Moray became regent, Lord Elphinstone was required to give up his tower of Elphinstone to the government, and, in 1571, he was required to deliver the castle of Kildrumny. He married, in 1546, Margaret Drummond, daughter of Sir John Drummond of Inverpeffray, and Margaret Stewart, Lady Gordon, and had issue six sons and four daughters. He divested himself of his estates in 1577 in favour of his eldest son, Robert, Lord Elphinstone, died on 18th May 1602.

JOHN ELPHINSTONE, parson of Invernochty, born 4th June 1536, married Agnes Bruce, sister to the laird of Clackmannan, and had issue. He died in 1616.

MARGARET, married John Livingston, younger of Dunipace, and had issue.

JAMES ELPHINSTONE, born 12th July 1538, had a charter of the lands of Inverdovat and others, in Fife, in 1599. He was one of the household of King James the Sixth. He married Agnes Ramsay, sister to Ramsay of Clettie, and had one son Frederick, who was his heir in Inverdovat.

ISOBEL, married James Hamilton of Haggis, and had issue.

ALEXANDER ELPHINSTONE, born 19th January 1539, designed brother of Lord Elphinstone in a charter of 1581, to which he is a witness. He died unmarried.

MARGORY, married Robert Drummond of Carnock, and had issue.

SIR MICHAEL ELPHINSTONE, born 28th September 1544, had charters of part of Kittymuir in 1580, and of Hillington and Archilton in 1581. He became master of household to King James the Sixth. He was sworn of the privy council in 1604, and died unmarried in 1625.

JANET, married Robert Leslie of Rosmarkie, laird of Findrassie, and had issue.

WILLIAM ELPHINSTONE, twin with Michael. He had a charter in 1589 from Robert, Earl of Orkney, of the lands of Trosmes. He became sheriff of Orkney, and died on 26th July 1602. He married Janet, daughter of James Henderson of Fordell, who survived him. He had issue three sons, William, Michael and Henry.

ELIZABETH, died unmarried.

XIV.—ALEXANDER, FOURTH LORD ELPHINSTONE, born 28th May 1552. In 1598 he was made a privy councillor, and in the following year high treasurer, which office he held till September 1601. He also held the office of an extraordinary lord of session in 1599-1610. He died in January 1638. He married, in 1575, Jane, eldest daughter of William, sixth Lord Livingston, and had issue, 19 children, 14 sons and 5 daughters, as in the detailed Memoirs.

SIR JOHN ELPHINSTONE, elder of Selmes and Baberton, born 9th September 1553, married Giles, daughter of the laird of Selmes, and, in 1597, acquired the lands of Baberton. He died in October 1614, leaving issue.

JANET, born 25th May 1556, married Patrick Barclay of Tollie Barclay, and had issue.

JAMES ELPHINSTONE of Invernochty and Barnton, secretary of state and president of the council, was born on 19th August 1557. He was created in 1603 LORD BALMERINO. In 1605 he was appointed president of the court of session. He died at Balmerino in 1612. He was twice married, first, to Sarah, daughter of Sir John Menteith of Kerse; secondly, to Marjory, daughter of Hugh Maxwell of Tealing. He had issue, and was the ancestor of the sixth and last Lord Balmerino, who was executed, as a Jacobite, on Towerhill, 18th August 1746.

AGNES, born 3rd October 1559, married Walter Ogilvie of Findlater, and had issue one daughter, who became Lady Pittligo.

JOHN ELPHINSTONE, younger, born 14th July 1558, and died in England unmarried.

ELIZABETH, born 1st August 1561, married Robert Innes of Innes, 1st November 1582, and had issue. She died in 1613.

WILLIAM, born 27th April 1563, and died in Naples 1588.

MARGARET, born 30th December 1568, married John Cunningham of Drumquhassel, 31st December 1587, and had issue.

GEORGE, born 3rd January 1565, became a Jesuit.

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4 TABULAR GENEALOGY OF THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.

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XV.—ALEXANDER, FIFTH LORD ELPHINSTONE, who succeeded his father in January 1638. He received, in 1601, a remission for having attended a secret mass in the house of Alexander Napier, burgess of Edinburgh. He was afterwards sent to St. Andrews, from which university he had, in 1601, a testimony to his proficiency in theology, and of his signing the Confession of Faith. He was one of the commissioners for opening the Scottish parliament of 1630, and in 1633 entered into an agreement with his father for the latter's parliamentary robes. He died 27th August 1648, and was succeeded in his title and estate by his nephew Alexander, son of his brother James. He married, on 28th April 1607, Elizabeth Drummond, sister of James, first Earl of Perth, and had issue four sons, Alexander, James, Alexander, and John, and six daughters, Jean, Lilius, Elizabeth, Mary, Isobel, and Anna. These all died young, except the daughter Lilius, as shown in detailed Memoirs.

Mr. JAMES ELPHINSTONE of Barnis, who appears to have held for a time the lands of Quarrel, in Stirlingshire. He married, first, Katharine Gordon, daughter to the laird of Lesmoir, on 28th December 1614. Issue, an only daughter Jean. He married, second, Helen Forbes, daughter to the laird of Brux, on 9th July 1622. He died before June 1628, leaving issue one son and two daughters.

ANNAS, COUNTESS OF SUTHERLAND. *Vide* Memoir.

XVI.—LILIAS ELPHINSTONE, who became heir of line of the family, and married her cousin Alexander, who was the heir-male, on 25th November 1645. She made her will on 1st July 1668, in which she mentions her son John, Lord Elphinstone, in her lifetime. She died in 1675. They had issue.

ALEXANDER, MASTER OF ELPHINSTONE, AND SIXTH LORD ELPHINSTONE, who was born 31st July 1624, succeeded his uncle, Alexander, fifth Lord in 1648. He married his cousin Lilius, the heir of line, and at his death, on 26th October 1654, left issue.

JEAN, born 14th March 1616, who was retoured heir general to her father, James Elphinstone of Barnis, in 1634; married Alexander Urquhart of Dullgus.

ANNA, born 27th August 1623, who married Thomas Kinnaird of Culbin.

XVII.—1. ALEXANDER, SEVENTH LORD ELPHINSTONE, retoured heir to his father on 30th May 1655, but died in May 1669, without issue, and was succeeded by his brother JOHN, eighth Lord. He married, 10th September 1667, Anne, daughter of Alexander Burnet, archbishop of Glasgow, who survived him, and married Patrick, third Lord Elbank.

XVII.—2. JOHN, EIGHTH LORD ELPHINSTONE, was retoured heir to his brother on 29th March 1670. He was a member of the convention of estates in 1689, and signed the letter sent to King William in answer to his accepting the administration of the kingdom. Lord Elphinstone was a steady supporter of the act of union. He died 24th March 1718. By his wife, Lady Isabel Maitland, eldest daughter of Charles Maitland of Hatton, third Earl of Lauderdale, whom he married, 28th April 1670, he had issue seven sons and six daughters.

JAMES, baptized at Airth, 31st July 1651, died 26th March 1666.

ANNA, baptized at Airth, 22nd June 1648, married Walter Torphichen, sixth Lord Torphichen, in 1671, and had issue.

XVIII.—1. JOHN, MASTER OF ELPHINSTONE, born 13th May 1672. Died young.

CHARLES ELPHINSTONE, born 18th November 1676, and died young and unmarried.

RICHARD, born 26th October 1678. Died unmarried.

JAMES, born 14th February 1681. Died unmarried.

XVIII.—2. CHARLES, NINTH LORD ELPHINSTONE, born 14th April 1682. Served in Flanders from 1706 to the peace of Utrecht in 1713, and held the rank of captain. He succeeded his father in 1718, and died 20th February 1757. He married Elizabeth, third daughter of Sir William Primrose of Carrington, who died 16th February 1738, and had issue, six sons and five daughters, as shown in detailed Memoirs.

JOHN, born 13th August 1685.

CAPTAIN WILLIAM, born 13th March 1689, killed at the battle of Preston 1715. *s.p.*

ELIZABETH, born 24th May 1673, who married the Hon. John Campbell of Mamore, and had issue. She died 13th April 1758.

ISOBELLA, born 7th November 1677, died at Edinburgh June 1679, "the rebels being in arms."

MARY, named after the Duchess of Albany, born 10th January and died 14th February 1680.

ANNA, born 29th May 1683.

MARGARET, born 30th May 1684, married, first, in 1706, George Count Leslie of Balquhain; second, Sir James Gordon of Park, and had issue to both.

MARY, born at Newport Pond in Essex, 30th September 1686. She married Thomas Duchan of Cairnbulg, advocate.

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TABULAR GENEALOGY OF THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE. 5

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<p>JOHN, born 29th June 1703, and died on the same day.</p>	<p>JOHN, MASTER OF ELPHINSTONE, born 17th January 1706, died in the lifetime of his father, at Culcruch, 29th April 1753. His wife was Marjory, daughter of Sir Gilbert Fleming of Farm, Baronet. She survived him, dying at Edinburgh 6th August 1784, without issue.</p>	<p>JAMES ELPHINSTONE, who was born 15th April 1708, died unmarried.</p>	<p>XIX.—CHARLES, TENTH LORD ELPHINSTONE, born 6th August 1711. Succeeded his father in 1757. He married, in 1735, Lady Clementina Fleming, daughter and heiress of John, sixth Earl of Wigton, and heir-general of the Wigton, Keith, Marischal and Drummond families. She died 1st January 1799. Lord Elphinstone died 6th April 1781, leaving issue, seven sons and seven daughters, as shown in detailed Memoirs.</p>	<p>ARCHIBALD, born 18th June 1714. Killed in Captain Woodroove Gascoigne's expedition against Carthage, 1741.</p>	<p>GRIZEL, born 23rd November 1704, who married Captain Woodroove Gascoigne, and had issue.</p>	<p>PRIMROSE, born 27th January 1725. Married Rev. Alexander Home, afterwards Earl of Home, and had issue.</p>	<p>WILLIAM, born 26th June 1718, died young.</p>
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<p>XX.—JOHN, ELEVENTH LORD ELPHINSTONE, born 26th January 1737, became an officer in the army, and served in Canada under General Wolfe. Held the office of lieutenant-governor of Edinburgh Castle. Succeeded his father April 1781. Elected a representative peer of Scotland 1784 and 1790. He died 19th August 1794. He married Anne, eldest daughter of James, third Lord Ruthven, who survived him, and died 28th October 1801. They had issue four sons and four daughters.</p>	<p>CHARLES ELPHINSTONE, born 29th April 1739, lost at sea in H.M.S. 'St. George,' 13th April 1758. Unmarried.</p>	<p>WILLIAM FULLERTON ELPHINSTONE of Elphinstone and Carberry. [See <i>Elphinstone and Carberry Line next page.</i>]</p>	<p>LOCKHART ELPHINSTONE, born 26th November 1743. Died young.</p>	<p>MARY ELPHINSTONE died 8th May 1825.</p>	<p>ELIZABETH, died young.</p>	<p>GEORGE KEITH ELPHINSTONE, born 7th January 1746. He entered the navy in 1761, and greatly distinguished himself. For his services he was created a peer by the title of LORD KEITH, and afterwards VISCOUNT KEITH. He was twice married, and had issue, but the titles are now extinct for lack of heirs-male. He died on 10th March 1823.</p>	<p>ELEANORA, married, 1777, Right Hon. William Adam of Blair-Adam, and had issue.</p>	<p>PRIMROSE. Will dated 28th July 1800. Died 18th January 1802.</p>	<p>CLEMENTINA. Married, 31st March 1785, James Drummond, CREATED LORD PERTH. Their daughter became LADY WILLOUGHBY DE ERESBY.</p>
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<p>XXI.—JOHN, TWELFTH LORD ELPHINSTONE, entered the army, and became major-general. Succeeded his father 1794, was chosen a representative peer 1806, and died 20th May 1813. He married, 31st July 1806, Janet Hyndford, daughter of Cornelius Elliot of Wolflee, relict of Sir John Gibson Carmichael, Bart., and had issue.</p>	<p>CHARLES ELPHINSTONE, afterwards Charles Fleming of Biggar and Cumbernauld, admiral of the Blue, governor of Greenwich Hospital, etc. He died 30th October 1840. He married, in 1816, Catalina-Paulina - Alessandro, and had issue one son and four daughters, as in detailed Memoirs.</p>	<p>JAMES RUTHVEN ELPHINSTONE, born 1776. Died at St. Helena, without issue, 1st August 1828.</p>	<p>ANNE STUART, died 1832.</p>	<p>CLEMENTINA FLEMING, died 1821.</p>	<p>ELIZABETH MACKENZIE, died 8th December 1840.</p>	<p>MOUNTSTUART ELPHINSTONE, D.C.L., Governor of Bombay, historian of India. Born 1779, died 20th November 1859, unmarried.</p>	<p>KEITH, married, 4th September 1803, David Erskine of Carcross. Died 4th August 1841, leaving issue.</p>
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XXII.—1. JOHN, THIRTEENTH LORD ELPHINSTONE, G.C.B., GOVERNOR OF MADRAS, AND AFTERWARDS OF BOMBAY DURING THE MUTINY OF 1857. BORN 2ND JUNE 1807. DIED UNMARRIED, 19TH JULY 1860, and was succeeded by his cousin John Fleming as fourteenth Lord.

XXII.—2. JOHN FLEMING, FOURTEENTH LORD ELPHINSTONE, born 11th December 1819. Succeeded his cousin as fourteenth Lord Elphinstone July 1860. He was unmarried, and on his death, 13th January 1861, was succeeded by his cousin William Buller Fullerton as FIFTEENTH LORD ELPHINSTONE.

## TABULAR GENEALOGY OF ELPHINSTONES OF ELPHINSTONE AND CARBERRY.

THE DIRECT LINEAL ANCESTORS OF WILLIAM, FIFTEENTH LORD ELPHINSTONE, AND HIS SON, SIDNEY HERBERT, THE SIXTEENTH AND PRESENT LORD ELPHINSTONE.

THE HONOURABLE WILLIAM FULLERTON ELPHINSTONE OF ELPHINSTONE AND CARBERRY, BORN 13TH SEPTEMBER 1740, COMMANDER IN H. E. I. C. S., AND FOR MANY YEARS A DIRECTOR, AND SOMETIME CHAIRMAN OF THE COMPANY. HE DIED 3RD MAY 1834. HE MARRIED, ON 24TH JUNE 1774, ELIZABETH, ELDEST DAUGHTER OF WILLIAM FULLERTON OF CARSTAIRS, AND NIECE AND HEIRESS OF JOHN FULLERTON OF CARBERRY, MIDLOTHIAN. SHE SURVIVED HER HUSBAND, AND DIED 27TH MAY 1840. THEY HAD ISSUE FOUR SONS AND THREE DAUGHTERS.

JOHN FULLERTON ELPHINSTONE, one of the select committee at Canton, China. Died 12th March 1854.

CHARLES ELPHINSTONE, born in 1784. A captain in the Royal Navy. Lost in the "Blenheim" in February 1807.

WILLIAM GEORGE KEITH ELPHINSTONE, major-general in the army, C. E., K. L. W., K. S. A. Died in command in India on 23rd April 1842.

JAMES DRUMMOND ELPHINSTONE, afterwards JAMES DRUMMOND BULLER FULLERTON ELPHINSTONE of Elphinstone and Carberry. A lieutenant-colonel in the army. He died 8th March 1857. He married, first, in 1820, Diana Mary, only daughter of Charles John Clavering, who died in 1821; secondly, Anna Maria, only daughter of Admiral Sir Edward Buller, Baronet, of Trenant Park, Cornwall, who died in 1845, by whom he had issue four sons and four daughters.

CLEMENTINA, married, 18th January 1809, Vice-Admiral Sir Pulteney Malcolm, G. C. B., and died 19th November 1830.

ELIZABETH, died unmarried on 28th October 1802.

ANNE, who was killed by a carriage accident on 29th August 1859.

XXII.—3. WILLIAM BULLER FULLERTON, FIFTEENTH LORD ELPHINSTONE, AND FIRST LORD ELPHINSTONE IN THE ELPHINSTONE AND CARBERRY LINE. [*vide page 7.*]

EDWARD CHARLES ELPHINSTONE, born 17th November 1832. Captain late 92nd Highlanders. He married, 5th May 1859, Elizabeth Harriette, youngest daughter of the Right Hon. Sir George Clerk, Bart., and has issue two sons and two daughters.

JOHN FREDERICK ELPHINSTONE, born in 1838, lieutenant-colonel Scots Fusilier Guards. Died 22nd November 1874, unmarried.

GEORGE JAMES ELPHINSTONE, born 1841, married, 1868, Annie, daughter of Rev. John Macintyre, LL. D. He died on 1st March 1879.

GERTRUDE, married, 16th April 1850, James Hope, Esquire of Belmont, county of Edinburgh. She died 29th March 1894.

CLEMENTINA FLEMING, married, 8th April 1858, Lieutenant-Colonel Douglas Jones, who died 1879, *s.p.*

ANNA MARIA, married, 4th March 1857, Thomas Henry Montgomery, Esquire, late captain 42nd Highlanders, who died 1879, leaving issue two sons and a daughter.

ELIZABETH MARY, married, 17th January 1860, the Very Rev. J. F. Montgomery, D. D., Dean of Edinburgh, who died on 21st September 1897, *s.p.*

CHARLES JAMES ELPHINSTONE, born 14th August 1860. Died at Cannes 14th January 1868.

GEORGE KEITH, born 11th May 1865.

LILLIAS MARY, born 1861.

MARGARET ELIZABETH, born 26th April 1864.

## THE LORDS ELPHINSTONE OF ELPHINSTONE AND CARBERRY—(continued.)

XXII.—3. WILLIAM BULLER FULLERTON, FIFTEENTH LORD ELPHINSTONE, AND FIRST LORD ELPHINSTONE OF THE ELPHINSTONE AND CARBERRY LINE. BORN 18TH NOVEMBER 1828. ENTERED THE NAVY IN EARLY YOUTH, SERVING FOR A TIME IN THE "ILLUSTRIOUS," THE FLAGSHIP OF HIS COUSIN, ADMIRAL SIR CHARLES ADAM, K.C.B. HE WAS RAISED TO THE RANK OF LIKUTENANT IN 1848, AND OF CAPTAIN IN 1856. LORD ELPHINSTONE WAS ENGAGED IN ACTIVE SERVICE IN VARIOUS PARTS OF THE WORLD, ESPECIALLY IN CHINA, THE BALTIC, THE CRIMEA, AND SOUTH AMERICA. ON THE DEATH OF HIS COUSIN, JOHN FLEMING, ON 13TH JANUARY 1861, HE SUCCEEDED AS FIFTEENTH LORD ELPHINSTONE. HE WAS ELECTED A REPRESENTATIVE PEER IN THE YEAR 1868, AND CONTINUED IN THAT CAPACITY TILL HIS CREATION AS A PEER OF THE UNITED KINGDOM ON 30TH DECEMBER 1885. HE REPRESENTED THE ADMIRALTY IN THE HOUSE OF LORDS IN LORD BEACONSFIELD'S ADMINISTRATION. LORD ELPHINSTONE MARRIED, ON 16TH JUNE 1864, CONSTANCE EUPHEMIA WORONZOW, SECOND DAUGHTER OF ALEXANDER EDWARD, SIXTH EARL OF DUNMORE. HE DIED ON 18TH JANUARY 1893. HE HAD ISSUE THREE SONS AND TWO DAUGHTERS.

JAMES DRUMMOND, MASTER OF ELPHINSTONE, born 15th April 1865, second Lieutenant 3rd Battalion Gordon Highlanders. Died 9th November 1890, in the lifetime of his father.

XXIII.—SIDNEY HERBERT, SIXTEENTH LORD ELPHINSTONE, BORN 27TH JULY 1869. EDUCATED AT MARLBOROUGH COLLEGE. SUCCEEDED HIS FATHER ON 18TH JANUARY 1893, AS SIXTEENTH LORD.

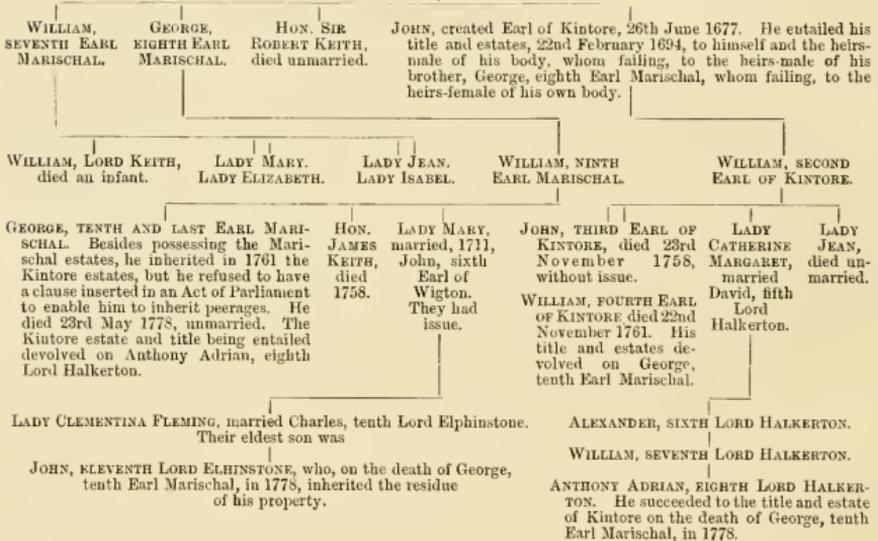
MOUNTSTUART WILLIAM ELPHINSTONE, born 5th March 1871.

LILLIAN, born 11th February 1867.

CONSTANCE LOTHIAN, born 5th October 1873. Died 18th March 1895.

## THE CONNECTION OF THE EARLS OF WIGTON, MARISCHAL AND KINTORE, WITH JOHN, ELEVENTH LORD ELPHINSTONE.

WILLIAM, SIXTH EARL MARISCHAL.



MEMOIRS  
OF THE  
ELPHINSTONES, LORDS ELPHINSTONE,  
FROM THE THIRTEENTH CENTURY.

I.—JOHN DE ELPHINSTONE, FIRST KNOWN PROGENITOR OF THE  
ELPHINSTONE FAMILY.

*c.* 1200-1250.

John de Elphinstone is the earliest member of the Elphinstone family whose name is recorded in authentic documents. He flourished in the reigns of King William the Lion, King Alexander the Second, and King Alexander the Third, or at least during the time of the two last of these sovereigns. He appears without the surname of Elphinstone, which at this early period had not been adopted by the family. He is designed "John de Elphinstone," however, which shows that the lands of Elphinstone or a part of them, were, in his time, in the possession of the family.

The first mention of John de Elphinstone is as a witness to a grant by Roger de Quincy, Earl of Winchester in England, and successively justiciar and constable of Scotland, to the monks of Dryburgh Abbey, of the wood of Gladswood.<sup>1</sup> The charter, which is undated, must have been granted between 1233, when, upon the death of Alan, lord of Galloway, constable of Scotland, Roger de Quincy, his son-in-law, was appointed to that office, and

<sup>1</sup> Registrum de Dryburgh, p. 99. The witnesses to this charter are not given in the print by the Bannatyne Club, but Crawford, who saw the original cartulary, gives John de Elphinstone as one of them.

1264, when Roger de Quincy died. The year 1250 may be suggested as the date of the charter.

John de Elphinstone also witnessed a charter by Gilbert de Haya to the abbey of Coupar in Angus. This grant is dated in 1250.<sup>1</sup>

John de Elphinstone was apparently father of a son of the same name.

## II.—MR. JOHN ELPHINSTONE, *c.* 1250-1265.

This second ancestor of the family is recorded to have been present as a witness to transactions which took place in the middle of the thirteenth century. Sir William of Lewyngston, knight, lord of Gorgyn, now called Gorgie, near Edinburgh, after he had inspected it, confirmed a charter granted by his predecessor, Sir Fergus Cumyne, knight, lord of Gorgyn, giving to the house of the Holy Rood of Edinburgh, and canons there, power to construct the dam of their mill of Salchtoun (Saughton) across the Water of Lyeth (Leith) upon his land of Gorgyn; and to hold and use it for ever. The confirmation of the charter is dated, the Thursday after the Annunciation, 31st March 1328. The charter itself, to which Fergus Cumyne, the granter, attached his seal, is narrated in the confirmation. The witnesses to the charter are Sir William of Lysuris, constable of Edinburgh Castle, or as it is called in the deed, *Castrum Puellarum*, Serlo of Seton, and Alexander, his son, Mr. John of Elfyngstoun, Hugh of Dudyngstoun, Thomas of Bennachetyne, then steward of the abbot of Holy Rood, Patrick, son of Symon, Richard of Striuelyn, and William, son of William, son of Bartholomew, burgesses of Edinburgh. The charter is undated, but appears from the witnesses, Serlo and Alexander of Seton, and others, to have been granted about the year 1260 or 1265.<sup>2</sup>

<sup>1</sup> Book of transcripts of Charters by Mr. Walter Macfarlane of Macfarlane, in the Advocates' Library, Edinburgh. The collection of charters made by Macfarlane is

often referred to by writers as of high authority.

<sup>2</sup> Charters of Holyrood, pp. 75-77.

## III.—JOHN OF ELPHINSTONE, 1296-c. 1340.

John of Elphinstone was one of the prominent persons compelled by the successes of King Edward the First of England to swear fealty to that sovereign. On 10th July 1296, at Brechin, John Baliol, King of Scotland, resigned his kingdom into the hands of King Edward. The tendering of allegiance to the English had already begun, as on the same day, at Montrose, John Comyn, Earl of Buchan, in presence of the King of England, renounced the league with France and swore fealty to Edward. On the day following, or the 11th of July, Sir John le Botilier and Sir Nicholas de Rotherford, knights, and Ralph de Eglinton, Thomas de Winchester, John de Elphinstone, Fergus le Mareschal, and Godfrey de Ardrossan, all separately took the same oath of fealty, probably also in presence of King Edward.<sup>1</sup>

In his submission, which was given at Montrose, and is drawn up in Norman French in the usual form and sealed by him, and which is still preserved, John de Elphinstone promised and swore upon the holy evangels to be loyal to King Edward and his successors against all men.<sup>2</sup>

The seal of John of Elphinstone appended to this formal submission is thus described:—"On tag, green wax; a shield charged with a boar's head coupé, turned to sinister; in chief a fleur-de-lys"; legend, "S. Johannis de Elphinstun."<sup>3</sup>

This ceremony of taking the oath was on the part of John of Elphinstone repeated a month later at Berwick-on-Tweed on 28th August 1296. Indeed, the oath seems to have been imposed shire by shire. Amongst others who there and then joined in taking it were Johan de Haukerstone, William le Fraunceys, Johan de Elphinstone, Wautier de Congeltone, del counte de Edne-

<sup>1</sup> Calendar of Documents relating to Scotland, by Joseph Bain, vol. ii. pp. 194, 195.

<sup>2</sup> Palgrave's Documents and Records illustrating the History of Scotland, p. 171.

<sup>3</sup> Bain's Calendar, vol. ii. p. 181, No. 773.

burke.<sup>1</sup> At the same place and on the same date, "Aleyn de Elfinestone," of the county of Berwick, gave his oath of fealty.<sup>2</sup> He may have been a brother of John of Elphinstone, but this is uncertain. The part which John of Elphinstone took in the wars of the succession cannot be discovered; but as he succeeded in keeping possession of his estates, there can be no doubt he adhered to the interests of King Robert the Bruce and his son, David the Second.

The only other known record of John of Elphinstone is as a witness to several charters granted at different dates. One of these writs in which he appears in this character is a charter by James, lord of Douglas, to Roger of Moray, of his lands of Fala. The charter is written at Neubotle, and is dated 1st September 1321. Along with Alexander de Setoun and other witnesses, his name is given as "Johanne de Elfinestoun."<sup>3</sup>

Another and later charter in which John of Elphinstone appears as a witness is one by Christiana Byseth, lady of Clerkynton, near Kerinton, in Lothian, who granted to the church of Neubotle and the monks there the right of patronage of her church of Clerkynton. The charter is authenticated by the seal of John, abbot of Holyrood of Edinburgh, and the witnesses are neighbouring proprietors, William and Laurence of Abyrnethy, William of Leuyngistoun, Alexander of Setoun, knights, Robert of Fawusid, Radulph of Cranistoun, Henry of Edmoundistoun. John of Elphingistoun is placed next before Robert of Fawusid. The charter is dated at Neubotle, 4th June 1338.<sup>4</sup>

John of Elphinstone is again a witness to a grant by William of Leuyngston, knight, to the monks of Neubotle and to their men dwelling on their

<sup>1</sup> Bain's Calendar, vol. ii. p. 203. From the fact that the seal apparently of this John de Elfinstone is said to be in a tray (*ibid.* p. 557, No. 559), and the seal already described to be attached to the tag of the Submission, and also from the consideration that the description given of both seals is identical, the

inference is that they refer to the same John, who it may thus be concluded took the oath of fealty twice.

<sup>2</sup> *Ibid.* p. 206.

<sup>3</sup> The Douglas Book, by Sir William Fraser, K.C.B., vol. iii, pp. 356-7.

<sup>4</sup> Cartulary of Neubotle, p. 293.

lands of Estyr Kragh of Gorgyne, of freedom to his mill of Gorgyne, with room, next after his own dominical grain, without payment of multure, save a firlet in the chalder to the miller. The charter is dated at Neubotle, 3rd March 1338-9. Sir John, abbot of Holyrood, Sir Alexander of Seton, Sir David of Wemys, and others, friends and neighbours of John of Elphinstone, are witnesses along with him to that charter.<sup>1</sup>

John of Elphinstone married Marjorie Erth, heiress of Erthbeg or Little Erth, and acquired with her the earliest possessions of the family in Stirlingshire. These lands formed the nucleus of the barony of Elphinstone in the county of Stirling, which a century and a half later became for many generations the residence of the descendants in the main line of John of Elphinstone and Marjorie of Erthbeg.

John of Elphinstone died about the year 1340.

IV.—ALEXANDER OF ELPHINSTONE, SON OF JOHN OF ELPHINSTONE,  
THE THIRD OF THAT NAME,  
c. 1340-c. 1363.

In his early life, and before his succession to the Elphinstone estates, Alexander Elphinstone appears to have gone to Stirling, the shire to which his mother belonged, and there joined the garrison in Stirling Castle, then held by the English. In the *compotus* of Sir Thomas de Rokeby, English warden of the castle of Stirling for the years 1336 and 1337, Alexander de Elfynstone appears as one of eighty esquires, probably meaning horsemen, who with eighty archers and others formed the garrison, and received payment for their services as such. If the Alexander de Elphinstone here mentioned can be identified as the subject of this memoir, he must have ceased soon after to be an English partisan. His name does not occur in

<sup>1</sup> *Cartulary of Neubotle*, pp. 34, 35.

another list of the English garrison in Stirling Castle made for the years 1339 and 1340.<sup>1</sup>

Alexander of Elphinstone must have succeeded to his father, John de Elphinstone, in his landed possessions about the year 1340, as the latter was alive on 3rd March 1338-9, when he witnessed a charter, as shown in his memoir; and he is mentioned as the deceased John of Elfingestoun in a grant the date of which, as will be shown, cannot be later than 1341.

In the short interval between the date of his father's death and that of the grant in question, Marjory Erth, his mother, must also have died. This is indicated in the grant where she is mentioned as the late Marjory, and where it is narrated that, in her free widowhood, she had of her own free will, by staff and baton, resigned to Sir Thomas of Erth, her overlord, at his full court at Erthbeg, the land and pertinents in the tenement of Erthbeg which belonged to her.

Immediately upon his succession to his father, Alexander of Elphinstone received a charter from Thomas of Erth, lord of Walughtoun, of the lands resigned by his mother in the manner described. The lands were granted to him to be held by him and the heirs of his body, of the granter and his heirs, in fee and heritage, with the fishing of Qwikslykis, and with pasture of six horses in the isle of Erth, and with common pasture, free ish and entry, for a pound of cumin at the feast of St. Ethot, at Erth yearly. To this charter Sir Robert of Lawedre, justiciar of Lothian, Sir Malcolm Fleming, Sir Walter, son of Gilbert, knights, and Reginald More, then chamberlain of Scotland, John of Calenter, and William of Munghale, clerk, are witnesses.<sup>2</sup> The charter is undated, but it must have been granted in or before the year 1341, when Reginald More, chamberlain of Scotland, one of the witnesses to it, died.

Alexander de Elphinstone added to the lands in the possession of the

<sup>1</sup> Bain's Calendar, vol. iii. Nos. 1241, 1323. The castle of Stirling was surrendered to the Scots in 1342.

<sup>2</sup> Original charter in Elphinstone charter-chest.

Elphinstone family. He received in fee and heritage from Sir Godfrey de Roos, lord of Kythumbre, the lands of Kythumbre, in the barony of Stanhouse.<sup>1</sup> The charter conveying the lands is not preserved, and therefore the particulars of the transaction are not known.<sup>2</sup>

Alexander of Elphinstone died before the year 1363, and was succeeded by his son.

V.—ALEXANDER OF ELPHINSTONE, LORD OF THAT ILK,  
c. 1363-c. 1370.

Alexander of Elphinstone is the earliest of the family who is known to be styled "dominus ejusdem," or lord of that ilk. In a charter granted by him to be here referred to, he adverts specially to his tenement of Elphinstone in connection with the warrandice of part of his lands of Erthbeg. His style and designation as lord of Elphinstone show that he was then in the unquestioned possession of the ancient patrimonial estate of Elphinstone in East Lothian, while continuing to possess the heritage of Erthbeg in Stirlingshire.

The date of his succession to his father cannot be precisely ascertained. However, it occurred previous to 4th June 1363, when King David the Second confirmed a charter granted by him. The confirmation of the king, which is dated at Edinburgh, has engrossed in it a copy of the original charter, the earliest that has been discovered granted by any member of the

<sup>1</sup> Register of Great Seal, vol. i. p. 27. There were lands of Stanhouse in Stirlingshire, in close neighbourhood to Airth, but the barony of Stanhouse here mentioned must be identified with the barony of Stanhouse in the parish of Stonehouse in Lanarkshire, and the modern name of Kythumbre is Kitty Cair in that parish.

<sup>2</sup> Sir Godfrey de Roos adhered to the English and King Edward Baliol of Scotland, an alliance which cost him his life and the loss

of any other lands he had in Scotland. On 25th April 1344 a petition was presented to King Edward the Third of England by Godfray de Roos and William his brother, "fitz eigne" of Sir Godfray de Roos, knight, killed in his service in Scotland, who had lost 600 marks land there, praying the king for aid, who on 6th July granted them 12d. a day each till they recovered their Scottish lands lost for his allegiance. [Bain's Calendar, vol. iii. Nos. 1432, 1435.]

family of Elphinstone. This latter fact gives it an interest which warrants a full and particular statement of its contents being given. Beginning in the common phraseology, the charter states that Alexander of Elfyngston, lord of that ilk, gave and confirmed to Alexander More, son of the deceased Sir Adam More, knight,<sup>1</sup> in excambion for a certain piece of land in Erthbeg, which the granter formerly had, and for a certain sum of money paid to him beforehand, his whole land of Kythumbre, with the pertinents, in the barony of Stanhous, which Sir Godfrey of Roos, sometime lord of the same, had given in fee and heritage to Alexander of Elfyngston, the father of the granter. The lands now given to Alexander More were to be held by him of the granter, his heirs and assignees, as freely and peaceably as he or his father held them. A special provision of the charter is, that if the lands of Kythumbre, by way of law, or any other process, should be recovered, whereby Alexander More, his heirs and assignees, could not enjoy them, the granter binds himself, his heirs and assignees, to redeliver to Alexander More, his heirs and his assignees, "so much land in my holding of Elfyngston"—"*tantam terram in tenemento meo de Elfyngstona*"—as the lands of Kythumbre anciently were used to be worth. The charter also warrants the lands against all men and women. It is undated, but was probably granted about the date of the royal confirmation in 1363.

Alexander Elphinstone, lord of that ilk, was succeeded by his son.

<sup>1</sup> The family here referred to are the Mores or Muirs of Rowallan. Reginald More, the chamberlain of Scotland, mentioned in the preceding memoir, was a member of this family, and possessed large estates in the Lothians and Stirlingshire. Elizabeth More, daughter of Adam More, another

member of the family, married in 1348 Robert, the High Steward, afterwards King Robert the Second. Sir Godfrey of Roos, mentioned above along with Sir Adam More and Alexander More, was connected with this family, having married Elizabeth, daughter of Gilchrist More.

## VI.—SIR WILLIAM ELPHINSTONE OF ELPHINSTONE, KNIGHT.

*c.* 1370-*c.* 1390.

Sir William Elphinstone was the first member of the Elphinstone family, so far as is known, who was raised to the dignity of knighthood. In the age to which he belonged, such an honour was usually bestowed for prowess in actual warfare. He appears to have followed the banner of Sir William Lindsay of Byres, and we may suppose that under his leadership Sir William Elphinstone won his spurs in some of the inroads into England, such as Chevy Chase, described in the pages of Froissart, the well-known chronicler; or in the work of defence when the English in turn invaded Scotland.

There is only one instance, so far as ascertained, in which Sir William Elphinstone's name is mentioned in charter records. This is a charter by William of Lyndesay, lord of Byris, knight, in which he bestowed upon his well-beloved cousin, William of Elfinistoun, son and heir of the deceased Sir William of Elfinystoun, "our knight" (*militis nostri*), for his homage and service, and for his having continued in his retinue during his whole life, all his lands of Pettyndrech, with the pertinents, in the shire of Stirling. The lands were to be held by William and the heirs male of his body, whom failing, by Alexander of Elfinistoun, brother of William, and the heirs male of his body; whom failing, by Norman of Elfynistoun, brother of William, and the heirs male of his body; whom failing, by James of Elfynistoun, brother of William, and the heirs male of his body; whom all failing, by the lawful heirs of William whomsoever; of the granter and his heirs or assignees, lords of his lands of Drem, in the sheriffdom of Edinburgh and constabulary of Haddington, in fee and heritage for ever. The reddendo by William and the heirs of his body and of entail, to the granter and his heirs or assignees, is a common suit at his courts to be held at Drem, with wards, reliefs, and marriages, when they happened. The charter reserves the franktenement of the lands, with their profits, to Sir William Lyndesay for his

lifetime, who promises for himself, and binds his heirs and assignees, to personally fulfil for the lands of Pettyndreich, to the king, the services due and wont, and also to exonerate William of Elphinstone and his heirs above named to the king for these services. In the event of the granter's heirs or assignees refusing to do this, it was then to be lawful for William and his heirs to swerve from the granter's heirs or assignees for ever, and to call upon the king to be their lord superior, and to hold the lands of him in chief. The granter appends his seal to the charter, which is witnessed by Walter and Dougal, bishops of St. Andrews and Dunblane, and by Robert, Duke of Albany, Earl of Fife and of Menteth, Archibald of Douglas, lord of Galloway,<sup>4</sup> David of Lyndesay of Craufurde, earls; Thomas of Erskene, lord of that ilk, George of Lesly, lord of Rothes, knights; Andrew of Lyndesay and Walter of Bykyrtoune. The charter is not dated, but the precept of sasine following, which is usually of the same date as the charter, is given at le Quaralle, 6th September 1397. The charter is engrossed in a confirmation of it given by Murdac, Duke of Albany, Earl of Fife and of Menteth, governor of Scotland, on 4th March 1423-4.<sup>1</sup>

The lands of Pettyndreich conveyed in the charter are situated near the Bridge of Allan, in the county of Stirling, and are now sometimes called Pendreich.<sup>2</sup>

The name of Sir William Elphinstone's wife cannot be discovered from any of the writs preserved in the Elphinstone charter-chest. Still, a document exists which indicates a matrimonial connection with the family of

<sup>1</sup> Original confirmation in Elphinstone charter-chest.

<sup>2</sup> Pettyndreich came into the possession of Sir William Lyndesay of the Byres by an exchange made by him with Sir William Keith, great marischal of Scotland, and Margaret Fraser, his wife, dated 8th March 1392-3. King Robert the Third confirmed

to Sir William of Lyndesay, knight, the lands of Petyndreych, in the shire of Stirling, which were resigned by William of Keth and Margaret Fraser, his spouse, on 29th June 1393. [Lindsay Peerage Case and Evidence, p. 6.] After holding them for four years, Lyndesay made them over to his cousin, William of Elphinistoun, son of the subject of this memoir, as above described.

Leslie. Sir George Leslie, knight, the ancestor of the Earls and Duke of Rothés, is said by peerage writers to have had a sister, Mary Leslie, whose husband was named Elphinstone. In Martin of Clermont's Manuscripts, in the Advocates' Library, Edinburgh, reference is made to a contract of marriage between Mary, sister of George de Leslie, dominus de Rothés, and a gentleman of the name of Elphinstone.<sup>1</sup> This Elphinstone, it may be surmised, is Sir William Elphinstone himself. The dates agree better with a marriage between him and Mary Leslie than between her and any of his four sons, William, Alexander, Norman, or James. One of Sir William's sons was named Norman, which adds to the probability of this surmise, because Norman was a favourite name with the Leslies of Rothés. The same authority makes reference to another contract, made at Cupar in Fife, 26th April 1392, between Sir George of Leslie, knight, lord of Rothés, and Heliseus of Kynnynmonth, son and heir of the late Alexander of Kynnynmonth, lord of that ilk, for the marriage of Heliseus with Elizabeth of Elphestoun, niece of Sir George. An ancient copy of the indenture, certified in 1603, and preserved in the Elphinstone charter-chest, is sufficient evidence that Elizabeth Elphinstone was a daughter of the house.<sup>2</sup> Sir George Leslie is a witness to the charter by Sir William Lindsay of the Byres in 1397 to William Elphinstone, son of Sir William.

Sir William Elphinstone was succeeded by William Elphinstone, the eldest of his four sons.

VII.—WILLIAM OF ELPHINSTONE, LORD OF THAT ILK, SON OF  
SIR WILLIAM ELPHINSTONE, KNIGHT. c. 1390-c. 1424.

William of Elphinstone succeeded his father, Sir William of Elphinstone apparently about the year 1390, as two years later Elizabeth Elphinstone, who is presumably the daughter of Sir William of Elphinstone, was given away

<sup>1</sup> Historical Records of the Family of Leslie, vol. ii. p. 5.

<sup>2</sup> Copy indenture in Elphinstone charter-chest.

in marriage, not by her father, who may thus be supposed to have been dead, but by her maternal uncle, Sir George Leslie, lord of Rothes.

Peerage writers only refer to one William of Elphinstone, whom they designate Sir William de Elphinstone. The existence of William of Elphinstone, his son, the subject of this memoir, has hitherto been unknown. This has led to confusion : Sir William, the father, being made the grantee of the charter of William of Lindsay, lord of Byres, of 1397, instead of William of Elphinstone, his son ; and Alexander, Norman, and James, the brothers of William, are made the brothers of Sir William of Elphinstone instead of his sons. The charter of 1397, however, establishes the existence of both Sir William of Elphinstone, the father, and William of Elphinstone, the son.

William of Elphinstone, as rehearsed in the memoir of his father, received from his cousin, Sir William of Lindesay of the Byres, knight, a charter of the lands of Pettindreich, for the good service which his father, Sir William, had rendered to Lindsay, as a special retainer. In the precept for infeftment of Elphinstone in the lands, he is styled by Sir William Lindsay, his dearest kinsman (consanguineo), William of Elfyntoun, lord of that ilk. He is a witness to a charter by Sir William of lands to the chapel of St. Mary of Drem, *c.* 1412.<sup>1</sup>

The confirmation of the charter of Pettindreich was deferred till the regency of Murdae, Duke of Albany, governor of Scotland, who granted a formal ratification of it on 4th March 1423-4. In the long interval between the date of the original charter of 1397 and the ratification of it in 1423-4, Sir William Lindsay, the granter, had died. William of Elphinstone, the grantee, however, was alive at the date of the ratification.

The name of the wife of this lord of Elphinstone has not been ascertained. He left issue three sons :—

1. Sir Alexander Elphinstone of Elphinstone, knight, who was killed at the battle of Piperdean, and of whom a memoir follows.

<sup>1</sup> Memorials of the Earls of Haddington, vol. ii. pp. 227-8.

2. Henry Elphinstone of Pittendreich, who carried on the male line of the family, and of whom a memoir follows.
3. Mr. William Elphinstone, canon of Glasgow and archdeacon of Teviotdale. He was father of the famous William Elphinstone, bishop of Aberdeen. He died on 30th June 1486.

VIII.—1. SIR ALEXANDER ELPHINSTONE OF ELPHINSTONE, KNIGHT, LORD OF THAT ILK, SON OF WILLIAM OF ELPHINSTONE, LORD OF THAT ILK. *c.* 1424-1435.

The date when Sir Alexander Elphinstone succeeded his father, William of Elphinstone, cannot be given, but it could not have been earlier than 1424, when his father, as shown in his memoir, was still alive. He does not figure, so far as ascertained, in any of the charter records of his time, either as a witness or otherwise. He is more known from his death than his life, in which connection his name has been handed down on the page of Scottish history.

When King James the First of Scotland returned from his captivity in England, a seven years' truce between the two countries was agreed upon. That period having expired, the truce was renewed, this time to endure for five years from 1st May 1431. Before this last term had expired, the truce was infringed by the English. Henry Percy, son of the Earl of Northumberland, crossed the Border with an army of four thousand men, and, marching northward through Berwickshire to the parish of Coldingham, he ravaged the country about Hatton and Paxton on the way until he arrived at Piperdean, which is situated in the barony and parish of Coldingham. William Douglas, second Earl of Angus, who was one of the twelve conservators of the truce and keepers of the marches towards England, and also warden of the Middle Marches, hastily took measures to resist the invaders. With the assistance of Sir Alexander Elphinstone of Elphinstone, Sir Adam Hepburn of Hailes, Sir Alexander Ramsay of

Dalhousie, and a body of chosen men, Angus overtook Percy and his forces at Piperdean. A conflict followed, and, after a severe contest, in which both sides lost considerably, victory favoured the Scots. Sir Alexander Elphinstone, however, was among the slain. He was the most eminent person on the side of the Scots who fell in the battle. Fifteen hundred of the English were taken prisoners. The victory achieved by Angus has been chiefly ascribed to the valour of Alexander Elphinstone. Buchanan in his account of the battle, although confusing his name with that of Johnstone, his son-in-law, describes him as a Scottish nobleman of approved valour.<sup>1</sup> The battle of Piperdean took place on 10th September 1435.<sup>2</sup>

The death of Sir Alexander Elphinstone of Elphinstone led to results unfortunate to the Elphinstone family. He was survived by Agnes Elphinstone, his only child.<sup>3</sup> As heir of line she claimed the territorial possessions of her father. Henry Elphinstone, the brother of Sir Alexander and uncle of Agnes, as heir male, also claimed them. The dispute continued for thirty-five years, when both parties submitted it to arbitration. In 1476, in the reign of King James the Third, David, Earl of Crawford, James, Lord Hamilton, and William, Lord Monypenny, were chosen arbiters, and in a decret arbitral, assigned to Agnes Elphinstone the estate of Elphinstone in East Lothian, the lands of Nether Malgask in Fife, and the lands of Leneye, near North Berwick. To Henry Elphinstone were assigned the lands of Erthbeg, Pittendreich, Chapelside, and Strickshall in Stirlingshire and all other lands then in his possession. The decret was signed by James, Lord Hamilton.

Agnes Elphinstone married Gilbert Johnstone, son of Adam Johnstone of

<sup>1</sup> Buchanan's History of Scotland, Aikman's edition, vol. ii. p. 111.

<sup>2</sup> The battle is chronicled by Bower, Boece, Buchanan, and Sir James Balfour, and also by Pinkerton and other later writers. Their accounts vary in many important particulars. Bower and Sir James Balfour name 1436 as

the date of the battle. Pinkerton, founding upon correspondence between King James and Henry, King of England, now in the British Museum, London, says it was 1435.

<sup>3</sup> There is a tradition that she was his posthumous daughter.

Johnstone in Annandale, who, by this marriage, obtained possession of the Elphinstone lands in East Lothian. He and his descendants thereafter assumed the name and designation of Johnstone of Elphinstone. This Gilbert Johnstone was, on his mother's side, connected with the family of Seton, Lords Seton. The romantic marriage of his mother, Janet Seton, with Adam Johnstone of Johnstone, is related by Maitland of Lethington, who was himself by marriage connected with the Seton family. She was the widow of Sir William Seton, son of Sir John Seton of Seton, and also the mother of George, first Lord Seton. When Adam Johnstone solicited her hand in marriage, she appears to have stipulated that he would deliver her son George, Lord Seton, from William, Lord Crichton, who was then detaining him in the castle of Edinburgh. The sister of George was heir to the Seton estates failing heirs through him, and this made his mother more concerned for his safety. Adam Johnstone succeeded in conveying George Seton secretly to his castle of Lochwood in Annandale, and thus obtained his mother as his wife. Of the children of this marriage, Gilbert Johnstone was the second son. He was thus brother on his mother's side to George, Lord Seton. It was from the latter, as superior of the lands of Elphinstone in East Lothian, that he received Agnes Elphinstone in marriage.<sup>1</sup>

This arrangement brought about by the decret arbitral already mentioned deprived the heirs male of the Elphinstone family of their earliest patrimonial inheritance, and transferred their interests more exclusively than before from East Lothian to Stirlingshire.

Sir Alexander Elphinstone of Elphinstone was succeeded in the male representation of his family of Elphinstone by his brother, Henry Elphinstone.

<sup>1</sup> The History of the House of Seton, by Sir Richard Maitland, 1829, p. 32.

VIII.—2. HENRY ELPHINSTONE, HEIR MALE OF THE ELPHINSTONES OF  
ELPHINSTONE IN EAST LOTHIAN, AND ANCESTOR OF THE  
ELPHINSTONES OF THE BARONY OF ELPHINSTONE IN  
STIRLINGSHIRE, AND LORDS ELPHINSTONE.  
1435-1477.

The previous lairds of Elphinstone all took the territorial designation of their ancient and earliest landed possession of Elphinstone in East Lothian. By the decision of the arbiters in 1471 which gave to Agnes Elphinstone, only child and heiress of Sir Alexander Elphinstone of Elphinstone, the possession of these lands, and thereby conveyed them to Gilbert Johnstone, ancestor of the Johnstones of Elphinstone, a new departure had to be taken with reference to the family designation. Pittendreich, in Stirlingshire, was now, in their altered circumstances, the principal estate belonging to the family of Elphinstone; and Henry Elphinstone therefore styled himself of Pittendreich. But the family of Elphinstone were reluctant to lose their ancestral designation, and soon after, in 1503, Sir John Elphinstone, the grandson and successor of Henry Elphinstone, had his whole lands in Stirlingshire and Perthshire erected into a barony which he called the barony of Elphinstone. This enabled him and his long line of successors to be known, as in the past, as the Elphinstones of Elphinstone, and subsequently as the Elphinstones Lords Elphinstone. Henry Elphinstone, being the first representative of his family after the severance from them of Elphinstone in East Lothian, became the progenitor of this line.

Soon after his brother Sir Alexander's death at Piperdean and his succession to him in the male representation of the family, as shown in the previous memoir, he was involved in a long dispute with his niece, Agnes Elphinstone, as to their respective interests in the family estates, with the result above stated. Erthbeg, Pittendreich, Chapelside, Strickshall and others, were the lands now owned by the Elphinstone family.

Although there is not much of the history of Henry Elphinstone known, there are indications that he led an active and public life. In the account for Edinburgh at the Exchequer from 17th June 1444 to 9th July 1445, the following entry occurs:—

“And by delivery made to Henry of Elphinstone by command of the captain allowing his command upon the account *iiij lib., xvj s. viii d.*”<sup>1</sup>

The captain mentioned was the captain of Edinburgh Castle, and the entry is one of a series arising out of the siege of that castle in 1445, although it does not show in what respect Henry Elphinstone was connected with the siege. The entry immediately preceding the one just quoted, is a payment for lances for the king's use; and the one following is a payment to David Hery for leaving the castle of Edinburgh and coming to the king. From these and other entries, it is probable that Henry Elphinstone was acting with the king and with William, eighth Earl of Douglas, who had complete ascendancy over him. James the Second was in his minority, and Chancellor Crichton distrusted Douglas who had succeeded in depriving him of the royal favour. Fearing the vengeance of Douglas for the death of William, sixth Earl of Douglas, Crichton resigned the chancellorship and withdrew from the court. He, however, retained his position as governor of Edinburgh Castle, and retired into it for safety. Instigated by Douglas the king first summoned him for treason, then forfeited him as a traitor, and lastly besieged him. At the end of nine weeks, terms favourable to Crichton were arranged, upon which he surrendered and was restored to the king's favour.

Another instance occurs of Henry Elphinstone appearing in public life. In February 1471-2, we find on the sederunt of the parliament of Scotland, which sat on the 17th and 20th of that month, the name “Elphinstoun,” among the barons.<sup>2</sup> This also points to Henry Elphinstone of Pittendreich

<sup>1</sup> Exchequer Rolls, vol. v. p. 181.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. p. 102.

taking an active interest in the affairs of the country at this time. It is the earliest recorded appearance of a laird of Elphinstone in parliament.<sup>1</sup>

At this parliament the earldom of Orkney and the lordship of Shetland were united to the Crown upon the footing that they were not to be given away unless to one of the king's sons. King James the Third had at this time a project to attempt the conquest of Brittany. Encouraged by France in the undertaking, he had already arranged for the embarkation of 6000 men under his own personal command on the expedition. The three estates now consented to contribute 5000 pounds "to put thaim to the see." The project, however, was not favourably entertained in the country, and strong, although respectful remonstrances, in which the lords of the church led the way, were made to the king. It was alleged that it subjected the realm to great peril and inconvenience. For the love they had to his person, they urged the king to forego his intended passage out of the kingdom at his tender age and at a time when he had no issue of his own to succeed him on the throne. To proceed as he proposed they urged was only to expose the country to his old enemies of England. Other remonstrances were added to these.<sup>2</sup> The advices thus offered to him and the abundant occupation he found in his own country, were effectual in turning James from what was at the time an ill-advised scheme.

At the close of 1477, Henry Elphinstone resigned in the hands of his superior, John, Lord Lindsay of Byres, in favour of his grandson, John Elphinstone, son and apparent heir of James Elphinstone, his lands of Pittendreich, Erthbeg, and Stirckshaws, reserving to himself the liferent of the two former of these. The lands were in three several charters conveyed to John Elphinstone by Lord Lindsay. The charters, which will be more fully described in the memoir of John Elphinstone, are dated 6th November 1477.

<sup>1</sup> In the parliament which met on 6th May preceding, Mr. William Elinsten, official general, occurs on the sederunt. This seems to be William Elphinstone, the younger

brother of Henry Elphinstone of Pittendreich.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. pp. 102-104.

Henry Elphinstone is said to have married Jean Cuninghame, daughter of the laird of Polmaise. He had issue three sons:—

1. James Elphinstone, of whom a memoir follows.
2. Lawrence Elphinstone of Selmys, who acquired the lands of Selmys in the barony of Calderclear, and sheriffdom of Edinburgh, and became the founder of the family of Elphinstone of Selmys.
3. John Elphinstone, bailie of Glasgow. He appears as witness to a charter granted by Elizabeth Edmonston of Tulialon, daughter, and one of the heirs of the late James Edmonston of Edmonston, knight, with consent of her husband, Patrick Blacatir, to her sister-german, Margaret Edmonston, spouse of Walter Ogilvy, of half parts of the lands of the thanedom of Boyne, and half part of an annual rent of six merks out of the town and burgh of Banff, dated at Glasgow 25th February 1485. John Elphinstone is described as a bailie of Glasgow in the charter.<sup>1</sup> His son John is mentioned as one of the heirs of entail in the charter of entail by John, Lord Lindesay of Byris, to John Elphinstone of Pittendreich, of the lands of Pittendreich and others, dated 21st December 1496. He is styled in the charter citizen of Glasgow.<sup>2</sup>

IX.—JAMES ELPHINSTONE, YOUNGER OF PITTENDREICH, SON OF  
HENRY ELPHINSTONE OF PITTENDREICH.

ISABELLA BRUCE, HIS WIFE.

c. 1450-c. 1477.

James Elphinstone is mentioned in three charters as the son and heir apparent and as the eldest son and heir apparent of Henry Elphinstone of Pettendreich. These charters, which are by John, Lord Lindesay of Byres, in favour of Sir John Elphinstone, the son of James Elphinstone, of the lands of Pettendreich, Erthbeg, and Stirckschaws, proceed upon the resignation of Henry Elphinstone, and are dated 6th November 1477. As James died in the lifetime of his father, the presumption raised by Henry Elphinstone passing over his son James in the resignation in favour of John, his grandson, is that the former was dead before 1477, the date of the resignation.

<sup>1</sup> Register of the Great Seal, vol. ii. No. 1644.

<sup>2</sup> *Ibid.* No. 2341.

James Elphinstone, younger of Pittendreich, married Isabella Bruce, by whom he had three sons:—

1. Sir John Elphinstone, knight, who succeeded him, and of whom a memoir follows.
2. Alexander Elphinstone. In a note by Sir Lewis Stewart at the end of the confirmation by James, bishop of St. Andrews, to the foundation charter of the Collegiate Church of the Holy Trinity and Hospital of the Poor, near Edinburgh, it is stated by Sir Lewis that he had extracted the foundation from the register given to him on loan by the town-clerk of Edinburgh, in presence of Alexander Elphinstone and others named in the note, on 6th November 1484.<sup>1</sup>

On 7th July 1486 he was one of the ambassadors for Scotland who received a safe-conduct for a year at the request of James the Fourth of Scotland to pass with sixty horsemen between Scotland and England at pleasure.<sup>2</sup> The particular business confided to the ambassadors in question is not stated in the safe-conduct. He received a charter of apprising by the sheriff of Stirling of ten merks worth of land of Carnok and Plain, dated 19th February 1499, in which he is described as brother-german to John Elphinstone of Arthit. He is described as of Scottistoun in an obligation which he made on 29th February 1508 to resign his lands of Gargunnok, etc., in favour of Alexander, first Lord Elphinstone, his "dearest eme."

3. William Elphinstone, rector of Clatt in Aberdeenshire, who became tutor to Alexander, second Lord Elphinstone. With his brother, Alexander Elphinstone, he was one of the ambassadors for Scotland who received a safe-conduct on 7th July 1486 to pass between Scotland and England at pleasure. In a list of the foundations of anniversaries in the cathedral church of Aberdeen, the 25th of June is mentioned as his anniversary during his lifetime, when masses were to be said for him; and the 21st of July is given as the anniversary of his death, on which day masses were to be said for his soul; and 13s. 4d. is the sum derived from a croft and gardens near Aberdeen for that purpose.<sup>3</sup> The year of his death is left blank. On 15th November 1531 an obligation is given by the vicars and chaplains of the choir of the church of

<sup>1</sup> Charters of the Collegiate Churches of Midlothian, Bannatyne Club, p. 71.

land, vol. iv. No. 1522. Rotuli Scotiæ, vol. ii. p. 472.

<sup>2</sup> Calendar of Documents relating to Scot-

<sup>3</sup> Register of Aberdeen, Maitland Club, vol. ii. pp. 214, 215.

Aberdeen about the foundation of three masses for the late venerable man, Sir William Elphinstone, rector of Clatt. The date of the foundation is 21st July 1531.<sup>1</sup> William Elphinstone must therefore have died before that date.

X.—SIR JOHN ELPHINSTONE OF PITTENDREICH, ERTH, AND ELPHINSTONE,  
GRANDSON AND SUCCESSOR OF HENRY ELPHINSTONE OF PITTENDREICH.

EUPHAMIA —, HIS FIRST WIFE.

MARGARET —, HIS SECOND WIFE.

c. 1477-1508.

Sir John Elphinstone, as stated in the memoirs of his father and grandfather, obtained in the lifetime of the latter the lands of Pittendreich and Erthbeg, in the baronies of Drem and Erth respectively, and sheriffdom of Stirling. In terms of the resignation of the lands by Henry Elphinstone, who reserved to himself the liferent of them, in the hands of John, Lord Lindesay of Byres, as superior, the latter, as baron of the baronies of Drem and Erth respectively, on 6th November 1477, gave two charters to John Elphinstone, granting these lands to him and the heirs-male of his body, whom failing, to the lawful heirs-male of Henry Elphinstone whomsoever. In the event of Henry Elphinstone dying while John Elphinstone, his grandson, was in his minority, the charters provided the ward and relief of the lands to the granter thereof.<sup>2</sup>

John Elphinstone obtained, on the same day that he received the above lands, the lands of Stirkschaw in the barony of Chalmerlain Newton, and

<sup>1</sup> Register of Aberdeen, Maitland Club, vol. i. p. 399.

<sup>2</sup> Original charters in Elphinstone charter-chest. The precept of sasine of Erthbeg granted by John, Lord Lindesay, and preserved in the Elphinstone charter-chest, is

dated at Edinburgh on 8th November 1477. The sasine of the lauds of Pendrech, or Pittendreich, preserved in the same custody, is dated 29th November 1477. It describes the lands as in Lord Lindesay's barony of Drem, constabulary of Haddington and shire of Edinburgh.

shire of Roxburgh. These lands, which were also resigned by Henry Elphinstone in the hands of John, Lord Lindesay, were by him conveyed by a third charter to John Elphinstone and Euphania his spouse, and the longer liver of them, and the lawful heirs-male of their bodies, failing whom, to the lawful heirs-male of the said Henry whomsoever. The lands were to be held of the granter for service of a common suit at his courts of Chalmerlain Newton, by reason of ward and relief.<sup>1</sup>

These three charters show that John Elphinstone was in his minority in November 1477, also that he was married at that date, and that every endeavour was being made to secure the Elphinstone estates to a male succession of heirs in the family of Elphinstone, and thus to prevent the recurrence of such a regrettable alienation of lands as took place in 1471.

Little information is preserved regarding the personal history of John Elphinstone. From what is available we find that his name is chiefly associated with the consolidation and extension of the Elphinstone estate. This is attested by many charters he received, which are still existing in the Elphinstone charter-chest. These charters show that John Elphinstone continued to be designated "of Pendrech" or "of Pittendreich" down to 1499. From that year, when he had come into the possession of the barony of Airth, to the close of 1503 he is usually called "of Airth"; and from 1504, when his lands were erected into the barony of Elphinstone, to his death in 1508 he is invariably described as "of Elphinstone" or "of that ilk" or "de eodem."

From 1477 to 1490 very little is known of this laird of Elphinstone. But from the beginning of the latter year to the close of his life there is a continuous record of him in charters of the time. Most of these charters now to be described relate to a portion of the lands of Erthbeg. By the first of them

<sup>1</sup> Original charter in Elphinstone charter-chest. The sasine, *ibid.*, is dated 28th November 1477.

John Elphinstone received from James Levingston of Manerstone a seventh part of a fourth part of the town and lands of Erthbeg, in the barony of Erth and shire of Stirling. The charter, which is witnessed by Andrew Elphinstone of Selmis and others, is dated at Edinburgh, 18th January 1490. The precept of sasine of the lands is dated a day later, and is followed by an instrument of sasine dated 4th March of the same year. The charter was subsequently confirmed by David, Lord Lindesay of Byres, as superior of the lands, at Byres on 3rd February 1490.<sup>1</sup>

In the year following, John Elphinstone exchanged this particular part of Erthbeg, occupied at the time by John Bisset and Alexander Mortoun, for another and equal portion of the same lands in the possession of Mariota Norwell, lady of Gargunno, then occupied and held in blench farm by Thomas Forstar. This exchange was made in a charter of excambion, dated 17th March 1491, granted by Mariota Norwell to John Elphinstone. An exception was made of a rood of land in Langears reserved to the granter for doing service to the lord superior in the barony of Arth.<sup>2</sup>

A further part of this arrangement is contained in an indenture dated at Edinburgh, 18th March 1491, entered into between the same parties. By this indenture, as John Elphinstone had infeft Marion Norwell in the above stated part of his lands, and Marion had infeft him in the like portion of her lands, all as already described, it was agreed that, after the expiry of nineteen years from the date of the indenture, if either of the parties so desired it, the respective parts of Erthbeg exchanged were to revert to their former owners. The seals of the parties were interchangeably appended to the indenture.<sup>3</sup> As the portion of Erthbeg conveyed to John Elphinstone was, as already stated, occupied and held in blench farm by Thomas Forstar, who had it in wadset at the time of the conveyance, a charter of sale was granted by him

<sup>1</sup> Original charters, etc., in Elphinstone charter-chest.

<sup>2</sup> Original charter, *ibid.* The precept of sasine is of the same date as the charter, and

the instrument of sasine is dated 6th June 1492. Both of these writs are in the Elphinstone charter-chest.

<sup>3</sup> Original, *ibid.*

and Elizabeth Stewart his spouse, to John Elphinstone of Pendrech and Margaret his spouse, and the survivor of them, of the lands in question, with the exception already mentioned. The charter is dated 20th May 1493. The seals of the granters are appended to the charter.<sup>1</sup>

John Elphinstone appears as a witness in a charter by William Elphinstone, bishop of Aberdeen, to Duncan Scherar, rector of Clat, of twenty perches of land in the burgh of Aberdeen, dated at Aberdeen 7th September 1492.<sup>2</sup> He is there designed "Johanne Elphinstone de Pettyndreche." In another charter granted by Bishop Elphinstone to James Lyndsay of sixteen perches of land in the same burgh, and of the same date, in which he also appears as a witness, he is simply designed "Johanne Elphinstone." Following his name is that of "Andrea Elphinstone," his cousin, who is also a witness to the charter.<sup>3</sup>

John Elphinstone, having in the series of charters and other writs above described obtained such adjustment in his holding of Erthbeg as he desired, next turned his attention to having these lands entailed in the manner to be stated shortly. He also decided to have his lands of Pittendreich included in the new entail to be made. The death of his first wife, his second marriage, and the consolidation of his lands may together have influenced him, to some extent at least, to take this step and to name a different order of succession. To carry out this arrangement it was necessary that he should resign the lands in the hands of his superior and receive a regrant of them giving effect to his wishes. Accordingly, he resigned these lands in the hands of John, Lord Lyndesay of Byres, as superior, from whom he received a charter of entail of them, dated at Edinburgh, 21st December 1496. The

<sup>1</sup> Original charter in Elphinstone charter-chest. In the same custody is a testificate of sasine by Thomas Fostar of Carnok in favour of John Elphinstoun of Pendrech and Margaret his spouse, dated 23rd July 1493.

<sup>2</sup> Register of Aberdeen, Maitland Club, vol. i. p. 330. In a collation of Andrew

Scott to the vicarage of Ruthven, by the same bishop, in 1490, "Johanne Elphinstoun" is a witness, and is described as "a discreet and venerable man" [*Ibid.* i. 316]. It is uncertain if this is the same person as the subject of this memoir.

<sup>3</sup> Register of Aberdeen, vol. i. pp. 331-2.

charter bears to be to an honorable man, John Elphinstoun de Pettindreich, for his many good and grateful services rendered to the granter, "pro suo bono et gratuito seruicio michi multipliciter impenso." It grants to him the lands of Pettindreich, and the fourth part of the lands of Erthbeg, with the seventh part of another fourth part of the said lands of Erthbeg, with the pertinents. It also gives the lands to the heirs-male of his body, whom failing, to Alexander Elphinstoun, his brother-german, Andrew Elphinstoun of Selmys, and John Elphinstoun, citizen of Glasgow, and the heirs-male of their bodies respectively, whom all failing, to the heirs-male of the said John Elphinstoun carrying the name of Elphinstoun whatsoever. The lands are to be held "a dicto Johanne domino Lyndesay de Rege." The charter is witnessed by William Elphinstone, bishop of Aberdeen, Alexander Elphinstoun, and others.<sup>1</sup> This entail was confirmed by King James the Fourth in a charter to "his beloved John Elphinstoun of Pettindreich," dated at Edinburgh, 1st February 1496-7. The king's charter is witnessed by William, bishop of Aberdeen, keeper of the privy seal; Archibald, Earl of Angus, Lord Douglas, chancellor; Archibald, Earl of Argyll, Lord Campbell and Lorn, master of the king's household; Patrick, Earl of Bothwell, Lord Hales; Alexander, Lord Hume, lord chamberlain; John, Lord Drummond, justiciary; George, abbot of Dunfermline; George, abbot of Paisley, treasurer; and the king's clerks, Mr. Richard Murehede, dean of Glasgow, the king's secretary, and John Fresale, dean of Lestalrig, clerk of rolls, register, and council.<sup>2</sup> Sasine of the lands contained in the charter of entail was given to John Elphinstoun of Pendrech at the principal message of Pendrech on 17th April 1497.<sup>3</sup>

In less than a year after his obtaining the entail just described, John Elphinstone of Pendreich received a charter from Patrick, Lord Lindsay

<sup>1</sup> The original charter, and also precept of sasine, dated 22nd December 1496, are in the Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. ii.

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No. 2341, also examined copy of the charter of confirmation in the Elphinstone charter-chest.

<sup>3</sup> Original sasine, *ibid.*

of Byres, of the lands and barony of Airth, with tenants and tenandries of the same, and with the pertinents, in the shire of Stirling, and the lands of Cragorth, with the pertinents, in the same shire, all which he gave him for the good and faithful counsel and help he had rendered to him, "pro bono et fidei consilio, auxilio, supplemento, gratuitis et benemeritis michi per dictum Johannem multipliciter impensis." The lands and barony granted were to be held by John Elphinstone and his heirs and assignees from the said Patrick "a me" and his heirs and assignees of the king. The charter is dated 5th November 1497. Among the witnesses are William, bishop of Aberdeen, Master David Setoun, rector of Fethircarne, and William Elphinstoun.<sup>1</sup> Confirmation was given by King James the Fourth in a charter granted at Edinburgh in November 1497.<sup>2</sup>

The feudal right of John Elphinstone of Pittendreich to the barony of Airth was made doubly valid by a subsequent resignation of the barony, in the king's hands, by the procurators of Lord Lindesay, in favour of John Elphinstone, and by charter of confirmation by King James, and precept of sasine following, both dated at Peebles, 21st November 1498.<sup>3</sup> The king in his confirmation designates John Elphinstone his familiar shield-bearer, "familiari suo armigero," a designation which he again bestows upon him in later charters.

The barony of Airth, thus acquired by John Elphinstone, belonged to the ancient family of Airth in the thirteenth century. In the end of that century, or beginning of the next, John Elphinstone, who flourished in 1296, married Marjory, a member of that family, and heiress of the lands of Airthbeg, and with her obtained these lands. The barony of Airth passed

<sup>1</sup> Original in the Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. ii. No. 2380. Precept of sasine dated 5th November and instrument of sasine, dated 16th November 1497, are both in the Elphinstone charter-chest.

<sup>3</sup> Register of the Great Seal, vol. ii. No. 2468. Original precept of sasine in favour of his "well-beloved familiar shield bearer," and instrument of sasine following thereon, dated 25th March 1499, in the Elphinstone charter-chest.

into the possession of the knightly family of More of Abercorn. Airthbeg may not have formed a part of that barony at this early date. But it also, or a portion of it, was owned by the Mores. Previous to 1363, Alexander Elphinstone of that date got a piece of land in Erthbeg from Alexander More, son of the late Sir Adam More, in exchange for the lands of Kythumbre, as already shown in these pages. In 1381-2, in the reign of King Robert the Second, that king gave a charter of the lands of the barony of Erth with other lands to William More, knight.<sup>1</sup> By his marriage with Christian More, daughter and sole heir of Sir William More of Abercorn, Sir William Lindesay of Byris got the whole landed possessions of Sir William More. Their son, Sir John Lindesay, got a charter from Robert, Duke of Albany, including, among other lands, the barony of Airth, in the sheriffdom of Stirling.<sup>2</sup>

By his marriage with Agnes de Erth,<sup>3</sup> Edward de Brus, son of Sir Robert Brus of Clackmannan, c. 1426-7, obtained what property in Erth her family possessed, and became the progenitor of the Bruces of Airth. But the barony of Airth appears to have remained in the Lindesay family until 1497, when, as already stated, Patrick, Lord Lindesay of Byres, bestowed it upon his kinsman, John Elphinstone.

By this very important acquisition, John Elphinstone was now possessed not only of portions of Airthbeg, but also of the whole barony of Airth, of which Airthbeg formed a part. It will be observed that the barony of Airth and the lands of Cragorth were to be held by him direct of the king. What constituted the good and faithful counsel and assistance, referred to in this charter and in the one of 21st December preceding, as meriting and eliciting

<sup>1</sup> Register of the Great Seal, vol. i. No. 16.

<sup>2</sup> Robertson's Missing Charters.

<sup>3</sup> This Agnes is said to have had as her second husband an Elphinstone who got

Erthbeg by the marriage [The Bruces and the Cumyns, by M. E. Cumming Bruce, p. 318]. But this is evidently a mistake originated probably by confusing Agnes with Marjorie, an earlier member of the same family.

the expressions of gratitude of Lord Lindsay, it is impossible to conjecture with certainty. He may have taken part with David, second Lord Lindsay of Byres, in support of King James the Third against his son, afterwards King James the Fourth, at the Field of Stirling in 1488, where his lordship acted a very conspicuous part, which subsequently got him into trouble, and thus have earned the gratitude of the Lindsay family. Or, he may have assisted Patrick, afterwards fourth Lord of Byres, by obtaining his release from imprisonment in the castle of Rothesay, in Bute, where King James the Fourth incarcerated him in a dungeon for his successful defence of David, Lord Lindsay, for acting with King James the Third as above.<sup>1</sup> But from the fact that counsel and assistance were given by him to his Lindsay superiors, and that he receives the appellation of the king's familiar shield bearer, it is apparent that, at least, he was to some extent actively employed in public affairs, that he was frequently at court, and that he enjoyed the favour of his royal master. One result of his acquisition of the barony of Airth was that John Elphinstone dropped his accustomed designation "of Pendrech" or Pittendreich, and substituted for it from this time that "of Airth."

John Elphinstone of Airth appears to have been now more anxious than ever to extend his interest in and control over the remaining portions of Airthbeg not yet possessed by him. This will be seen in several transactions to be here noticed to which he was a party. The earliest of these is a lease granted by Thomas Forester of Carnok to "aue honorabill man and my weilbelouit frend, John of Elfyntoun of Artht Chawmerlane" of a seventh part of a fourth of Arthbeg for the period of nineteen years following the date of the lease, with common pasture, free ish and entry. The lease states that John Elphinstone occupied and manured the lands before the making of the agreement. His entry into the lands was to be at the Whitsunday immediately following, and he was to pay for the lease the sum of

<sup>1</sup> Lives of the Lindsays by Lord Lindsay, vol. i. pp. 158-161, 177-179.

22s. 5d. at the usual terms of Whitsunday and Martinmas in equal proportions. The lease reserved power to Elphinstone to substitute under him tenants, cottars, or subtenants. It is signed and sealed at Edinburgh 14th July 1501.<sup>1</sup>

If John Elphinstone was unable to get in property the part of Erthbeg contained in the foregoing lease, he was more fortunate in another instance which occurred fully two years later. In this case he received a charter from Robert Cunynghame, lord of fee of the lands and barony of Polmaise-Cunynghame, and Sir Alexander Cunynghame of Polmaise, knight, lord of the free tenement of the said lands and barony, of the fourth part of the lands of Arthbeg, in the barony of Polmaise-Cunynghame by annexation, in the shire of Stirling, to be held by him and his heirs in feu-farm heritably for a reddendo of £7 Scots annual rent of feu-farm. The charter, which contains a clause of warrandice, is dated at Edinburgh 17th December 1503.<sup>2</sup>

Another transaction, if not bearing upon any further acquisition of the lands of Arthbeg, may be referred to as securing to John Elphinstone a privilege connected with them. The transaction is contained in a notarial instrument of agreement between Sir John Elphinstone of that ilk, knight, and Thomas Bisset of Quarrell, both of them touching the holy evangels and giving their great oaths. This agreement bears that John Elphinstone had built a mill on the lands of Elphinstone and that Thomas Bisset gave licence to him to draw away water alongside his lands "pre terris" of the fourth part of Erthbeg as often as necessary for the mill. For this concession John Elphinstone obliged himself and his heirs not to charge any multure to the

<sup>1</sup> Original in Elphinstone charter-chest.

<sup>2</sup> Sasine, following upon a precept dated at Edinborough 18th December 1503, was given at the principal message of the fourth part of Erthbeg on 20th January 1503-4. The originals of the charter, precept, and sasine are in the Elphinstone charter-chest. There is also in the same custody a ratification in the

Burgh Court of Stirling by Sir Alexander Cunninghame of Polmas-Cunninghame, knight, and Robert Cunninghame, his son and apparent heir, of letters of assedation and obligation in favour of John Elphinstone, dated 11th May 1497. But the writ does not show to what lands the assedation and obligation refer.

said mill nor claim any of the growing grain upon the fourth part of the lands of Erthbeg, but to reserve the seed to be sown upon the said lands. The agreement is dated 11th April 1505.<sup>1</sup> It will be seen in the next memoir that Alexander Elphinstone, the son of John, furthered the cherished wish of his father by making additional acquisitions of the lands of Erthbeg.

It was not alone in the lands of Erthbeg that John Elphinstone extended the landed possessions of his family either in lease holdings or in property. Other acquisitions of lands fall to be stated. On 27th August 1502 the king confirmed to him a charter by John, Lord Simpill, dated 12th August of that year, in which for a certain sum of money he sold to the king's familiar shield-bearer, John Elphinstone of Erth, the lands of Midilthrid of Cragrossy, wadset to Adam Schaw, also the superiority of the tenandry of the west part of Cragrossy which John, Lord Ross, had in fee, in the town and territory of Cragrossy, in the stewartry of Strathern and shire of Perth. The lands were to be held in fee of the king by John Elphinstone and the same series of heirs as in the entail of 21st December 1496, except that instead of John Elphinstone, citizen of Glasgow, is substituted John Elphinstone, son of the uncle of the said John, etc.<sup>2</sup>

While John Elphinstone was thus adding to his landed estates and increasing his own importance as a landed proprietor, he had in 1503 the honour of knighthood conferred upon him. Another mark of royal favour was given to him in the same year by the erection of his lands and barony of Erth-chalmerlain, the lands of Pittendreich and Cragorth, in the shire of Stirling, into a barony to be called the barony of Elphinstone, to be held by him and his heirs-male whomsoever. The charter of erection is dated 4th January 1503-4. The witnesses to it include the archbishop of St. Andrews, chancellor; William Elphinstone, bishop of Aberdeen, keeper of the privy seal; Archibald, Earl of Argyle, Lord Campbell and Lorn, master of the king's

<sup>1</sup> Original in the Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. ii. No. 2662.

household ; Patrick, Earl of Bothwell, Lord Hales ; Matthew, Earl of Lennox, Lord Darnly ; Alexander, Lord Home, lord chamberlain ; Andrew, Lord Gray, justiciar, and others. The town of Little Erth in the barony of Erth-chalmerlain was to be the principal messuage of the barony of Elphinstone.<sup>1</sup> He received sasine of the barony of Elphinstone on 11th April 1504.<sup>2</sup>

On 16th December 1506, Sir John Elphinstone of Elphinstone had a charter from Nicholas Cristesone, burgess of Stirling, of the five-merk land of the third part of the seventh part of the lands of Crannok and Plane, with the pertinents, in the barony of Plane and shire of Stirling, in exchange for his five-merk lands of Cragorth and pertinents in the shire of Stirling.<sup>3</sup>

The will of Sir John Elphinstone, a notarial instrument, dated 2nd August 1508, bears that in presence of the notary and witnesses he appointed Alexander Elphinstone of Innernocty, his son and apparent heir, his only and indubitable assignee and cessioner to all and sundry assignations of lands made to him by any lords temporal and spiritual, which he then enjoyed and possessed, or any right to the same ; giving to the said Alexander full power to intromit with the said assignations and to dispose thereof at his will and pleasure, nevertheless paying nothing to the lords of the assignations according to the terms of the letters thereof made to them thereupon. The lands of Rossyechtell and Inverdargie are stated as exceptions. The will mentions that it was done in Sir John Elphinstone's chamber in the town of Edinburgh, in the street or vennel vulgarly called Peblis Wynd, on the west side of the same, at the second or third hour after noon.

Sir John Elphinstone died previous to 19th October, in the year 1508, when his son Alexander received sasine of the barony of Elphinstone. He

<sup>1</sup> Register of the Great Seal, vol. ii. No. 2765. There is an extract of the charter in the Elphinstone charter-chest.

<sup>2</sup> Original in Elphinstone charter-chest.

<sup>3</sup> *Ibid.*

<sup>4</sup> Original notarial will, *ibid.*

was twice married: first to Euphania, and secondly to Margaret; but the surnames of these two ladies have not been ascertained. He had issue two sons and two daughters.

1. Alexander, who was created Lord Elphinstone, of whom a memoir follows.
2. Thomas Elphinstone. In the marriage contract between Alexander, afterwards first Lord Elphinstone, and Margaret Erskine, daughter of Robert, Master of Erskine, son and heir of Alexander, second Lord Erskine, it was arranged, as a reversion containing the terms of it shows, that if the marriage was not completed owing to the death of Alexander Elphinstone, it was to take place with Thomas Elphinstone, his brother.<sup>1</sup> The marriage did not take place with Alexander, as is shown in his memoir, neither was it carried out with Thomas Elphinstone, his brother.

In the Crown rentals drawn from Stirlingshire for the years from 1502 to 1505, and also for 1508, Thomas Elphinstone was tenant with his father John Elphinstone of Pittendreich of the Halls of Erth and Orcharland of Erth.<sup>2</sup>

Robert Elphinstone, rector of Kincardine, who became tutor of Alexander, second Lord Elphinstone, was probably the son of Thomas Elphinstone, as he is described as "cousin" to his lordship. On 16th December 1511, Robert Elphinstone received a charter from the king erecting the Kirklands of Kincardine O'Neil, namely, the Kirktoun of Kincardine O'Neil and others into a barony with a burgh of barony.<sup>3</sup> In 1526, in the time of Gavin, bishop of Aberdeen, Robert Elphinstone was a member of the chapter of Aberdeen.<sup>4</sup> On 14th December 1529, he subscribed a gift by that bishop with the consent of the dean and chapter of Aberdeen to Gilbert Menzies, provost, and the bailies of Aberdeen, of the lands of Ardlair in the lordship and shire of Clatt and earldom of Garioch, for upholding the new stone bridge over the Dee.<sup>5</sup>

In 1518 he was appointed tutor of Elphinstone in room of William Elphinstone, rector of Clatt, in Aberdeenshire, who resigned.

<sup>1</sup> Original Reversion, dated 13th July 1502, in Elphinstone charter-chest.

<sup>2</sup> Exchequer Rolls, vol. xii. pp. 636, 679; vol. xiii. pp. 638-9.

<sup>3</sup> Register of Aberdeen, Maitland Club,

vol. i. p. 354. Register of the Great Seal, vol. ii. No.3667.

<sup>4</sup> Register of Aberdeen, vol. ii. p. 254.

<sup>5</sup> *Ibid.* vol. i. pp. 393-4. The lands of Ardlair previously belonged to Andrew Elphinstone of Selmes.

1. Isabella Elphinstone. This lady was highly esteemed at the Court of King James the Fourth, and on the birth of Prince James, his first son, on 21st February 1507, she was appointed, by the royal parents, to the responsible office of nurse to the young prince. This office she fulfilled to the perfect satisfaction of the king and queen. The prince died in infancy, on 27th February 1508, and, in recompense for her service, King James the Fourth gave to her, for the term of her life, the fermes of the 5 merkland of Chapelton, during the leases of the tenants, and after the end of the leases, the lands themselves; and the fermes of the 5 merklands of Bonischaw and Dririg, 5 merklands of Myltoun Crevauche, 5 merklands of Ormyllisheuche, 5 merklands in Blaklaw, and 5 merklands in Riddinghill and Holhouse, extending in the king's rental to 20 lib, in the bailiery of Cunynghame, and shire of Ayr. This ample gift was bestowed, as the king states, on Isobel Elphinstoun, "nurse of the deceased James, our son, for her faithful and thankful service in her diligent and assiduous labour by her undertaken, and done in tender nursing of the said James." The charter is dated at Edinburgh, 9th March 1507-8.<sup>1</sup>

Isabella Elphinstone was first married to David Lindsay of Dunrod. She was his second wife, as he and Eufamia Stewart, his first spouse, receive a charter of a £20 land in the Isle of Bute on 16th June 1498.<sup>2</sup> She was lessee of the assize of herrings of the Western sea and lochs. As such she in 1516 gives in her account to exchequer, which extends from 9th September 1513 to 7th August 1516, a period of three years. In that account she is styled "Isabella Elphinstoun, lady of Dunrod,"<sup>3</sup> and there is no mention of her husband, who, by that time, was probably dead. Isabella Elphinstone, lady of Dunrod, was married, secondly, to Robert Maxwell, sixth of Calderwood. In her account to the exchequer, following the one just mentioned, and extending from 7th August 1516 to 1st July 1522, dated 17th March 1523, she is styled Isobella Elphinstoun, lady of Calderwod.<sup>4</sup> Her marriage to Robert Maxwell may have taken place between the 12th and 17th of March 1523, as in another account from 1st July 1522 to 12th March 1523 which contains a memorandum of her intrusions with the western herring assize for six years, she is simply called

<sup>1</sup> Register of the Great Seal, vol. ii. No. 3204. Compared with Exchequer Rolls, vol. xiii. p. 40.

<sup>2</sup> Register of the Great Seal, vol. ii. No. 2421.

<sup>3</sup> Exchequer Rolls, vol. xiv. pp. 193-4.

<sup>4</sup> *Ibid.* vol. xv. p. 60.

Isobella Elphinstoune, lady of Dunrod.<sup>1</sup> On 14th January 1524-5, King James the Fifth, with consent of the three estates, let in feu-farm to Isobel Elphinstoun, lady of Dunrod, and Robert Maxwell of Calderwood, her spouse, the 5 merkland of Chapelton, etc., as above, with the addition of 1 merk of Hairschaw, and 3 merks of Cokilby, extending in all to £22, 13s. 4d. of old extent. These Isobel had in liferent from King James the Fourth, for a payment of 40 lib. yearly to the bailies and community of Irwin, a duplicaud, and erecting of mansion and policies.<sup>2</sup> This gift was twice confirmed by the Scottish parliament, in two Acts of Parliament in favour of Isobel Elphinstone and Robert Maxwell of Calderwood, her spouse.<sup>3</sup> On the 15th August 1530, King James the Fifth granted to Robert Maxwell of Calderwood and Isobel Elphinstone, his spouse, and the heirs-male of their bodies, whom failing, the eldest heir-female of their bodies, without division, etc., the foresaid lands of Chapelton, etc.<sup>4</sup> A curious letter is written by Isabella Elphinstone and her husband, from Calderwood, 22nd October [1530], addressed to James Colville of Ochiltree, comptroller and one of the auditors of exchequer, regarding mailling of the lands of Blaklaw. The letter is written in the interests of Adam Welsoune, one of their tenants, and ends as follows:—

“Prayand your lordschip to fordar this pur man for my sayk, and fardar plesset your lordschip to geyf cradans to my gosseng, thes berar. At Calderwod, wyth our handis, the xxij day of October, be yowris at owr powars.

[ROBERT MAXWELL of Calderwod, with my hand.  
ISABELL ELPHENSTOUNE, wyth my hand one the pen.”<sup>5</sup>]

Robert Maxwell died in 1540, and his wife seems to have predeceased him. She had issue by her second husband, two sons and one daughter.

2. Jean Elphinstone. There was a marriage contract made between Sir John Elphinstone of Elphinstone, knight, and John of Kinross of Kippenross, to the effect that John of Kinross sold to Sir John Elphinstone the marriage of his heir or heirs-male or female whatsoever, for matrimony to be contracted between James Kinross, heir to the said John of Kinross and Sir John Elphu-

<sup>1</sup> Exchequer Rolls, vol. xv. p. 56.

<sup>2</sup> Register of the Great Seal, vol. iii. No. 294. In 1525 and 1527, mention is made of Isabella Elphinstoun as tenant of the lands of Chapelton and others. [Exchequer Rolls, vol. xv. pp. 149, 150, 343.]

<sup>3</sup> 25th February 1524-5, and 20th November 1526. Acts of the Parliaments of Scotland, vol. ii. pp. 291, 311.

<sup>4</sup> Register of the Great Seal, vol. iii. No. 959.

<sup>5</sup> Exchequer Rolls, vol. xv. p. 585.

stone's daughter, and failing her, with a kinswoman of Sir John. If it happened that the heirs of John of Kinross were females, their marriages were to be disposed of at the will and pleasure of Sir John. The contract bears that for the sum of four score merks usual money and other kindness done to John of Kinross by Sir John Elphinstone, the former infested the latter in the corn mill and mill lands of Kippenross upon the understanding that the mill and mill lands should revert to John of Kinross, and the four score merks should be returned to Sir John Elphinstone when the marriage was completed. The contract is dated at Edinburgh, 24th February 1504. The name of this lady is only ascertained from the docquet on the back of the contract, which is as follows: "The contract of the marriage of the lard of Kippanros vith Jene Elphingston as vithin vrittin."<sup>1</sup>

Alexander, afterwards first Lord Elphinstone, on 29th March 1509 gave a bond to his "weil-beloweit freind," John Kinross of Kippenross, containing an arrangement for a marriage connection similar to that now described. The bond narrates that as John Kinross had infested the granter thereof in his corn mill, and mill lands of Kippenross, he would resign them in his favour as soon as James, his son and heir, should come of age and complete marriage with "ane cousines" of the granter, or with another competent person at his command, or failing thereof, the heirs-male whatsoever succeeding to John's heritage or the heirs-female named at his pleasure.<sup>2</sup>

The marriage arranged for in this contract, so far as Jean Elphinstone was concerned, did not take place. This is shown in a notarial instrument dated 28th January 1529, which states that James Kinross married Isabella Callender, daughter of Robert Callender of Maner, and Katherine Elphinstone, kinswoman of Lord Elphinstone, and with his consent and good will. The instrument also narrates the reversion of the mill and mill lands of Kippenross, and the sum of money respectively, in terms of the contract of 1504.<sup>3</sup>

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<sup>1</sup> Original contract in the Elphinstone charter-chest.

<sup>2</sup> Original bond, *ibid.* There are in the same custody a precept of sasine by John Kinross in favour of Alexander Elphinstone of the mill and mill lands of Kippenross, dated

27th March 1510, also a charter by the king confirming the sale of these, dated 12th April 1510.

<sup>3</sup> Original notarial instrument in Elphinstone charter-chest.

XI.—ALEXANDER ELPHINSTONE, FIRST LORD ELPHINSTONE.  
 ELIZABETH BARLOW, MAID OF HONOUR TO QUEEN MARGARET TUDOR,  
 CONSORT TO KING JAMES THE FOURTH OF SCOTLAND, HIS WIFE.

1508-1513.

Alexander Elphinstone was the eldest son and heir of Sir John Elphinstone of Elphinstone and Euphania his first wife. He received from his father the lands of Stirkfeild, with tenants, tenandries, and services of free tenants, with the pertinents, in the barony of Chalmerlain-Newtoun and sheriffdom of Selkirk. The precept to give sasine of the lands is dated at Elinburgh, 2nd October 1497, and witnessed by his kinsman Andrew Elphinstone of Selmys and others.<sup>1</sup> He also received a few weeks later from his father the lands of Strikschawe, in the same barony and sheriffdom of Roxburgh, to be held by him and his heirs from (a me) the granter and his heirs, of (de) Patrick, Lord Lindsay of Byres, lord superior thereof, in fee and heritage, for the annual payment by Alexander and his heirs to Lord Lindsay and his heirs of one penny usual money, when required, at the feast of Pentecost. The charter giving the lands is dated at Edinburgh, 20th November 1497.<sup>2</sup> Confirmation of the charter was given by Lord Lindsay at the same place on 7th December following.<sup>3</sup> As in the precept above named, Andrew Elphinstone of Selmys is one of the witnesses in both charters.

An alliance by marriage was projected between Alexander Elphinstone and Margaret Erskine, daughter of Robert, Master of Erskine, son and heir-apparent of Alexander, second Lord Erskine. There is no marriage contract among the Elphinstone muniments. But the terms of the arrangements for the marriage are given in letters of reversion by Alexander, Lord Erskine, to John Elphinstone of Airth. As these are interesting, and as they give

<sup>1</sup> Original precept in Elphinstone charter-chest.

<sup>2</sup> Original confirmation narrating the charter, in the Elphinstone charter-chest. It is signed "Ptryk lord Lyndissa off ye Byris."

<sup>3</sup> *Ibid.*

the substance of so early a marriage contract in the main line of the Elphinstone family, they may be here stated at length. The letters referred to bear that John Elphinstone had given to Alexander, Lord Erskine, heritably, by charter and sasine, the five pounds worth of his lands of Pettindrech, in the town and soil of Pettindrech, and barony of Erth-Chamerlane and sheriffdom of Stirling. That notwithstanding this grant, as soon as the marriage was completed, "in the face of halikirk," between Alexander Elphinstone, son and apparent heir to John Elphinstone, and Margaret Erskine, daughter to Robert, Master of Erskine, son to Alexander, Lord Erskine, his lordship obliged himself to resign and give over to John Elphinstone and his heirs the above-mentioned lands, with the charter, sasine, and other evidents.

It was stipulated that in the event of failure by the death of Alexander Elphinstone, the marriage was to be completed with Thomas Elphinstone, his brother. On the other hand, if failure occurred through the death of Margaret Erskine, the marriage was to be with Jonet Erskine, her sister, or with any other of John's sons and heirs and Robert Erskine's daughter. Further, in case of such failure through the death or "dissasent" of the parties mentioned, John Elphinstone was, upon a day betwixt "the sone rising and ganging to of that ilk," in the parish church of Stirling, upon "the he alter of the samyne," to pay to Lord Erskine the sum of one hundred pounds gold and silver, which he had delivered him "in onwart of payment of his said sovme of tocher," when a discharge would be given for the same. Other provisions were made, securing that Lord Erskine would not refuse to receive the money, and to carry out the arrangements stated in the circumstances described. The reversion, which is dated at Edinburgh, 13th July 1502, has the seal of Lord Erskine appended to it, and is witnessed by Andrew Elphinstone of the Selmys, John of Portarfeild of Chapelton, and others.<sup>1</sup>

<sup>1</sup> Original reversion in the Elphinstone charter-chest.

This proposed marriage alliance, so carefully and particularly arranged, never took place. Alexander Elphinstone, the first party in the contract, as will be seen, soon afterwards married Elizabeth Barlow. Margaret Erskine, the other principal party in the contract, was twice married, first to John Haldane of Gleneagles, and, secondly, to George Home of Lundies and Argaty. Janet Erskine, the youngest daughter of Robert, Master of Erskine, was married to John Murray of Touchadam. It has not been ascertained whether Thomas Elphinstone, the brother of Alexander, was ever married, but he was not allied to any of the above-named Erskine ladies.

The alliance between the two families of Elphinstone and Erskine, however, was ultimately brought about, if not in the person of any of the two sons of John Elphinstone, or in that of either of the two Erskine daughters named in the reversion, at least in the person of the grandson of John Elphinstone. Alexander, second Lord Elphinstone, son and successor of Alexander, the subject of this memoir, was married to Catherine Erskine, daughter of John, fourth Lord Erskine, and niece of Margaret and Jonet Erskine.

Alexander Elphinstone married Elizabeth Barlow, one of the maids of honour to the Princess Margaret, daughter of King Henry the Seventh of England, and queen of King James the Fourth of Scotland. The marriage must have taken place prior to 8th August 1507, for, in a charter of that date, Elizabeth Barlow is described as his spouse. Alexander Elphinstone was officially attached to the court. His Majesty held him in much favour, and styles him, in the charter just quoted, his familiar servant. Queen Margaret also showed favour to her maid of honour for leaving her native country of England and following her Majesty to Scotland. The king and queen taking such a warm interest in young Elphinstone and the maid of honour, and being desirous to have them united in marriage, the Erskine and Elphinstone alliance was postponed till another generation. King James and his queen not only promoted the marriage of Alexander Elphinstone with Elizabeth Barlow, but continued to the close of Alexander's life to show the

greatest interest in them, and to confer substantial favours upon them. During this period, consisting of six years, Alexander Elphinstone received many charters, precepts, and other writs, from King James the Fourth, granting to him lands, baronies, etc. It was the uniform custom of the king in these grants to give them conjointly to Alexander Elphinstone and his wife, and to the longer liver of them. This will be seen as reference is made to these different grants. It would have been interesting to have the contract of marriage between Alexander and Elizabeth, and to have seen its terms. In an inventory of writs contained in the charter-chest of Lord Elphinstone, preserved among his muniments, the following entry is made at the beginning :—"Contract of marriage betwixt Alexander, Lord Elphinstone, and Elizabeth Berlay."<sup>1</sup> That entry merely shows that a formal contract was actually prepared, and that at the date of that inventory, which is comparatively modern, the contract existed in the Elphinstone charter-chest. No further particulars are given, and the contract is not now forthcoming.

On 8th August 1507, as stated above, Alexander Elphinstone received a charter under the great seal from King James the Fourth. The grantee is described as the king's familiar servitor, "*familiari servitori suo*," and Elizabeth Berlay, the grantee with him, is named as the queen's servant, "*servitrici regine*." The charter is given for good service, and because Elizabeth became a Scotswoman and a liege, and for singular favours. The lands conveyed by the charter are the lands of Invernochty, Ballebege, with mill, etc., and *le Glennys de Glennochty*, Invernechty, Ledmakey, Culquhony, Culquhary, in the lordship of Strathdon; Mekill-Mygve, Ester-Mygve, Tulliprony, Blalok, and Corcrereif in Cromar, in the earldom of Mar and sheriffdom of Aberdeen: also the lands of Duncanstoun, Glandirstoun, with mill, Rochmureall, and Tullefoure, in the lordship of Garviauch and sheriffdom foresaid. All these several lands the king incorporated into ONE FREE BARONY OF INVERNOCHTY,

<sup>1</sup> Inventory of writs in the Elphinstone charter-chest.

which was to be held by the grantees, and the longer liver of them, in conjunct fee and heritage, and by the heirs of their bodies; whom failing, the lands should revert to the king. Their holding of the lands was to be for three suits at the three head courts of the sheriffdom of Aberdeen.<sup>1</sup> On the same day when this charter was given, the king directed letters under the quarter seal to Andrew Elphinstone of Selmys and three others, his sheriffs of Aberdeen in that part, to give sasine of the lands and barony above recited to Alexander Elphinstone and Elizabeth Barlay.<sup>2</sup> Sasine was given in terms of the royal letters on 23rd August 1507.<sup>3</sup>

Upon receiving this important grant of lands and their erection into a barony, Alexander Elphinstone and his wife, without any loss of time, set themselves to consolidate their newly acquired territorial possessions. It will be noticed that the lands now constituting the barony of Invernochty comprised lands out of the lordship of Strathdon, the earldom of Mar, and the lordship of Garioch. This appears to have been thought a disadvantage; and it was judged a preferable arrangement to have the whole lands of the barony in one lordship. In order to have this effected, Alexander Elphinstone and his wife made resignation in the hands of the king of the whole lands and barony they had just received, for the purpose of obtaining a regrant of the lands of Invernochty and others situated in the lordship of Strathdon. They also renounced and overgave the remaining lands of the barony of Invernochty, which were located in the earldom of Mar and lordship of Garioch, and which consisted of the lands of Mekill-Mygve, Ester-Mygve, Tulliprony, and others above enumerated, in excambion for lands in the lordship of Strathdon. These lands thus acquired were the lands of Skaleter, with forest of Corgarf, lands of Fennelost, Bolquhame, Balnaboith in Glenbouchat, Balnaboith in Kelbethok, Ballinta-

<sup>1</sup> Register of the Great Seal, vol. ii. No. 3115.

<sup>2</sup> Antiquities of the shires of Aberdeen and Banff, Spalding Club, vol. iv. pp. 738-9.

<sup>3</sup> *Ibid.* pp. 739-40.

more, Tuleskeuch, Summeil, Culbalauche, with forest of Baddynyoun and Kilvalauche, Estir Clova with Corrykeynzane, Contelauche with Braidschaw, Auchmyllane, with the east half of Glenlof (Glenlos), Kinclune, and Newmill, with *le glennys*, woods, groves, viz. *le schawis* of the said lands. By this arrangement the barony of Invernochty was composed of lands all of which were situated in the lordship of Strathdon.

King James gave a charter to Alexander Elphinstone and Elizabeth Barlow giving effect to this excambion, and uniting the lands of Skaleter and others to the barony of Invernochty, and also giving them a regrant of the other lands in that barony which were resigned for that purpose. The charter is dated at Edinburgh, 10th December 1507. The holding of the lands was for one suit at the head court in the sheriffdom of Aberdeen at the feast of St. Michael's, with ward, etc.<sup>1</sup> From the date of the bestowal of this barony upon Alexander Elphinstone, he took the territorial designation of Alexander Elphinstone of Invernochty, and he is so named and designated in the subsequent grants made to him.

Meantime, in the interval between the date of the original grant of the barony of Invernochty on 8th August, and the regrant of it in terms of the resignation above mentioned on 10th December 1507, the king on 14th September confirmed to his familiar Alexander Elphinstone, son and heir-apparent of John Elphinstone of Elphinstone, knight, and Elizabeth Berlay, his spouse, the lands of Cragorth, with mill, meadows, and fishings of the same in the Water of Forth, in the barony of Elphinstone, and sheriffdom of Stirling. The lands had been personally resigned by Alexander Elphinstone for a regrant of them, and they were now to be held by him and Elizabeth Barlow, and the longest liver of them, without division, in conjunct fee, and by the heirs-male of their bodies, whom failing, they were to be held by the said John Elphinstone and his heirs-male, whom all failing, by his heirs-male whomsoever bearing the name and arms of Elphinstone.<sup>2</sup>

<sup>1</sup> Register of the Great Seal, vol. ii. No. 3159.

<sup>2</sup> *Ibid.*, vol. ii. No. 3132.

Another and very important gift was in store for the royal favourites in the following year. As it included part of Kildrummy, anciently the inheritance of David, Earl of Huntingdon, the younger brother of King William the Lion, the gift was highly valued, more perhaps than any of the king's gifts to them preceding or following. It also shows the continued generosity of the royal benefactors. This new gift by King James to them was of the dominical lands of Kildrummy and the custody of the ancient and historical castle of Kildrummy. The present bestowal of Kildrummy, as will be afterwards shown from a later charter, was intended by the king to be the dowry which Alexander Elphinstone was to receive with Elizabeth Barlow, his spouse. As this grant forms the subject of other and subsequent charters and is of considerable importance, a particular account of it is necessary.

The great seal charter conveying Kildrummy to Alexander Elphinstone and his wife is dated 19th July 1508. It describes them as the king's beloved familiars, and grants the lands and castle to them and the heirs of their bodies, failing which, they were to return to the king. The lands comprehended the king's dominical lands of Kildrummy, the New, Wester Clova, Ald Auchindore, Drumnahuse, Dosky, Cukisbill, mill of Kildrummy, Auchinvene, Corryhill, Qwiltis, Ardquhonquhar, Culispik, Innerburquhar Wester, Innerburquhar Estir, Argeith, Culquheich, Discory, mill thereof, Pettynclach, Glencoy, and the Newtown, with the pertinents, in the earldom of Mar and sheriffdom of Aberdeen. The charter also gives them the custody of the castle of Kildrummy, and the gift of the chaplainry of Den in the same earldom and sheriffdom. Alexander Elphinstone and Elizabeth Barlow were to pay therefor yearly £82, 18s., and six marts, allowing 5s. for every mart, 12 bolls and 2 firlots of oats, and an augmentation of 40 marts.<sup>1</sup>

<sup>1</sup> Original charter in Elphinstone charter-chest; also Register of the Great Seal, vol. ii. No. 3251.

It was in this year of 1508 that Alexander Elphinstone succeeded to his father, Sir John Elphinstone of Elphinstone, in the family estates. On 19th October, Alexander Elphinstone, as son and heir of the late John Elphinstone of Elphinstone, knight, received sasine on a precept from chancery of the barony of Elphinstone and of the lands annexed to it, namely, the lands of Pittendreich, Midlethrid of Craiggrossie and Wester Craiggrossie.<sup>1</sup> Alexander Elphinstone now dropped his designation of "Invernochty," and substituted for it that of Alexander Elphinstone of Elphinstone.

From that date to his death in 1513, Alexander Elphinstone continued each year to obtain fresh acquisitions of territory, and more favourable holding of portions he already possessed. During that time King James the Fourth showed no abatement in his attachment to him, and continued as before to give him from time to time substantial proofs of it. In this way, much more than Sir John Elphinstone, his father, did Alexander Elphinstone enrich his family with landed possessions. What follows to be stated of his life must necessarily, therefore, for the most part relate to the different lands which he now acquired.

The earliest of these acquisitions, after his succession to his father, consisted of the lands of Crannok, Plane and Gargunnok, in the shire of Stirling. These lands had belonged to the Hepburns of Bothwell, and latterly to the Hepburns of Gargunnok. On 19th October 1508, Alexander Elphinstone received sasine of five merks of the seventh part of Crannok and Plane, which had belonged to Cristian Hepburne, from Nicholas Cristisoun, as lord superior thereof.<sup>2</sup> On 20th February of the following year he received an obligation by Alexander Elphinstone of Scottistoun to resign in his favour in the king's hands, when required to do so, his lands of Gargunnok, Plane and Crannok, which formerly belonged to Margaret Hepburne and Walter Sellar, her spouse. In this obligation he calls Alexander Elphinstone

<sup>1</sup> Original sasine in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

of Elphinstone his "derrest eme," and acknowledges that he had received from Alexander and his father payment for the lands.<sup>1</sup>

On 22nd June following Margaret Hepburne herself gave authority to her procurators to resign the same lands, along with those of Fordale in Fife and Meirdene and Dunlugus in Banff, in the hands of her superior of the same, for infesting Alexander Elphinstone of Elphinstone therein;<sup>2</sup> and on 19th June 1510, nearly a year later, Alexander M'Culloch, her procurator, gave sasine of these lands to Alexander,<sup>3</sup> who was by this time Lord Elphinstone. In addition to these several writs securing him in possession of these lands, Alexander Elphinstone, also on 19th June 1510, received a charter of them from the king.<sup>4</sup> This charter was followed by a precept of sasine of the same date, and also by an instrument of sasine, dated 4th July of the same year.<sup>5</sup>

Other acquisitions of lands follow in quick succession. On 24th October 1508 Alexander Elphinstone got sasine of the third part of Erthbeg, on a precept from Robert Cunyngham, lord of fee of the barony of Polmais-Cunyngham.<sup>6</sup> The conveyance of a tenement of land in Stirling to Alexander Elphinstone is, from details given in it, not without interest. In the obligation by his kinsman Alexander Elphinstone of Scottistoun, on 20th February 1508-9, already referred to, there was an undertaking to resign certain lands therein described. There was also, in the same obligation, a like undertaking to give over to Alexander Elphinstone of Elphinstone a tenement of land, in the burgh of Stirling, formerly belonging to James Reddoch, for which the granter had similarly received payment. With this

<sup>1</sup> Original in Elphinstone charter-chest. Alexander Elphinstone of Scottistoun had received from the king the gift of the marriage of Margaret Hepburn, and had assigned it to her and her husband, Walter Sellar, for 200 merks. For this sum she consented to have her lands above named appraised to him, reserving to herself the right to redeem them within seven years. A

charter of appraising, dated 19th February 1499-1500, was given by the Sheriff of Stirling, and the grantee ordained to pass with the sheriff's retour to chancery for infestment in the lands.

<sup>2</sup> Original in Elphinstone charter-chest.

<sup>3</sup> Inventory of Elphinstone writs, *ibid.*

<sup>4</sup> Original, *ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

tenement he engaged to deliver to him the following goods:—"Twa standard beddis: ane cownter burd: ane irne chymnay: ane lang sadyll: ane form and ane pres: ane cheir and ane almerry, which goods he received in the said hous."<sup>1</sup>

Several charters given about this time by King James the Fourth to Alexander Elphinstone and Elizabeth Barlow, his wife, now require notice. One of these, dated 11th September 1509, contains a grant to them of the town and burgh in barony of Kildrummy in the earldom of Mar and shire of Aberdeen.<sup>2</sup>

Between the granting of the charter just mentioned and that of the one following it, of date 14th January 1509-10, an important event took place, in which the royal favour to the subject of this memoir took an interesting form. On 20th October 1509, Queen Margaret gave birth to a son,<sup>3</sup> who was soon after baptized and named Arthur, Prince of Scotland and the Isles. He died in the castle of Edinburgh 14th July 1510. Alexander Elphinstone was present at court when the baptism of the prince took place, and the king in honour of the occasion and in recognition of the services of Alexander and his wife, created him a lord of parliament under the title of Lord Elphinstone. The king's raising him to the peerage and the occasion of his doing it are narrated in the great seal charter referred to of 14th January 1509-10. In this charter the king rehearses his former grant to Alexander and his wife of the dominical lands and castle of Kildrummy, and proceeds as follows:—

"And we now, having in remembrance the good and faithful service done to us by the said Alexander and Elizabeth, his spouse, and that for good causes and considerations known by us, and moving us to that effect, have created and made the said Alexander a LORD OF OUR PARLIAMENT on the occasion of the baptism of our dearest son ARTHUR, PRINCE OF SCOTLAND AND OF THE ISLES THEREOF, etc. : Therefore, and

<sup>1</sup> Original in Elphinstone charter-chest.

<sup>2</sup> Original charter and precept of sasine following thereupon of the same date, *ibid.*

<sup>3</sup> Annales of Scotland by Sir James Balfour, vol. i. p. 233.

for the special favour which we bear to the foresaid Alexander and Elizabeth, his spouse, and for the honourable maintenance of them and their heirs, we have given, granted, and confirmed, and by this our present charter give, grant, and confirm to the foresaid Alexander, now Lord Elphinstone, our cousin, and Elizabeth Berlay, his spouse, and to the longer liver of them in conjunct fee, and to their heirs-male, all and sundry the forenamed dominical lands of Kildrumny," etc.

These lands the king incorporated with the barony of Invernochty, and ordained that after the first sasine now to be taken by Alexander and Elizabeth upon the ground of the said lands, sasines were to be taken in future at the principal messuage of the barony of Invernochty. The charter further provided that the lands and castle were to be held of the king and his successors, Kings of Scotland, in feu and heritage for ever, freely, without any feu-farm, sums of money or victuals, being paid by Alexander and Elizabeth or their heirs-male for them. Besides other powers conferred upon them there is that of—

"Making and substituting under them constables, janitors, night watchmen, guards, keepers of prisons, and all other officers necessary for the said castle, with walls, iron ramparts, and ports of war, bars, the draw briggs, and other munitions necessary as to them shall seem expedient."

While granting to Alexander Elphinstone and his wife other immunities, the king appointed to them the service following, namely, that they and their heirs were to find and maintain for the king and his successors 100 men furnished with lances to do service to the king in his wars and armies against his enemies, "if any happen to be in future." The charter is dated at Stirling, and is witnessed by Bishop Elphinstone, keeper of the privy seal, Alexander, Earl of Huntly, and many other notabilities.<sup>1</sup>

<sup>1</sup> Original charter in the Elphinstone charter-chest. This charter is not in the Register of the Great Seal. The charter is followed by an instrument of sasine in the same custody, dated 7th February 1509-10. The sasine proceeds upon and narrates (1) Letters patent by the king appointing pro-

curators to act for Elizabeth Barlai, Lady of Elphinstone, for a year, dated Edinburgh, 22nd January 1509; also (2) Precept of sasine under the quarter seal, dated at Stirling, 14th January 1509. Sasine was given in presence of John, prior of Monymusk, and other witnesses.

In the following year, 1511, Lord Elphinstone entered into a contract with the town of Stirling regarding the cruives and coble fishing upon the Water of Forth, whereby the town of Stirling became bound to defend, assist, and supply Lord Elphinstone and his heirs, and he engaged to take their part in all their "leisum affairs, except in the king and his bairnes."<sup>1</sup> Lord Elphinstone, at the same time, took an instrument in the hands of Edward Spittell, notary, of the contract made.<sup>2</sup>

Lord Elphinstone received a commission of justiciary from the king, extending over the bounds of his own lands in the sheriffdom of Aberdeen. The commission gave him power over all persons, perpetrators of thefts or rapine, sorners, oppressors, and others, also fugitives from the law. It also gave him power to hold courts, etc. The commission, which was under the quarter seal, and was to last during the king's pleasure, is dated at Edinburgh, 1st January, twenty-third year of the king's reign [1511-12]. At the foot of the commission are the usual words—"Per signaturam manu supremi domini nostri regis subscriptam."<sup>3</sup>

On 29th August 1512, Lord Elphinstone received from the king a charter of the lands of Quarell in the barony of Harbertschire and shire of Stirling, uniting them to the barony of Elphinstone.<sup>4</sup> He received a bond of manrent from Sir Robert Bruce of Airth in the following circumstances. Sir Robert had been divested by the king of eight oxgangs of the lands of Airth. Lord Elphinstone, who in 1508 received under the privy seal letters of bailiary of the king's lands and lordship of Stirlingshire, with the keeping of the castle of Stirling,<sup>5</sup> appointments which he retained till the close of his life, as royal bailiff at the time, obtained licence to let the lands in question to Sir Robert Bruce, and restored him accordingly. Sir Robert, in return for

<sup>1</sup> Original in Elphinstone charter-chest. The common seal of the town is appended.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Register of Great Seal, vol. ii. No. 3767.

Precept of sasine is dated 29th August 1512 [in Elphinstone charter-chest]. Instrument of sasine is dated 26th September same year [Inventory of Elphinstone writs, *ibid.*]

<sup>5</sup> Original in Elphinstone charter-chest.

this service done to him, granted a bond of manrent to his lordship on 10th September 1512.<sup>1</sup>

One remaining royal favour shown to Lord Elphinstone and Elizabeth Barlow falls now to be noticed. Resignation was made by them of their whole lands and barony of Invernochty, by their procurators and letters patent in the king's hands at Edinburgh, by staff and baton. King James the Fourth thereupon granted them a charter under the great seal, giving to them and the heirs of their bodies the lands and castle resigned, and incorporating the whole into one FREE AND ENTIRE BARONY TO BE CALLED THE BARONY OF KILDRUMMY, and ordaining the castle of Kildrummy to be the principal messuage of the barony. The lands, barony, and others were to be held for one suit at the head plea of the sheriff court of Aberdeen to be held within that burgh after the feast of St. Michael, with ward, relief and marriage when they occur only, and freely without any service of lances, courts, suits or other services or exactions.

In the preamble to the charter, after enumerating the subjects resigned, the king proceeds to say :—

“And we having in remembrance that umquhile Alexander Elphinstone of that ilk, knight, predecessor of our foresaid cousin, was slain in the field of battle at Piperdane, being attacked by the English, in the service of our predecessors for the time being, and in defence of our king, by whose decease the principal heritage and his lands had fallen to his heirs-female, not male ; in remembrance of the service of which Alexander, slain by the English, as is premised, and in part recompence to our said cousin Alexander, Lord Elphinstone, and for his good, faithful, and gratuitous service, rendered to us from his youth, and his entry to our service, and daily continued by him, likewise in contentation of the dowry for the marriage contracted by him with the said Elizabeth Barley, now his spouse, whom we caused him to take to wife and made her to live beyond her native land in service with our dearest consort the queen, within our kingdom : we,

<sup>1</sup> Inventory of Elphinstone writs in Elphinstone charter-chest. There is also in this custody a notarial instrument narrating that on 4th October 1512, Alexander, Lord Elphinstone, appeared publicly with a letter

of obligation, by which Sir Robert Bruce bound himself to pay £200 Scots to Lord Elphinstone, if he failed to implement his bond. The instrument also furnishes the particulars above stated.

therefore, and for several other good and reasonable causes and considerations moving us thereto, have of our own certain knowledge, proper motive, free will and full deliberation, given, granted, and of new confirmed," the lands, etc.<sup>1</sup>

We now come to the close of Lord Elphinstone's life, which he ended, as so many of the Scottish nobility of that time did, on the fatal field of Flodden. It is unnecessary to enter upon any detailed account of this disastrous battle, so often described in the histories of the period. By the marriage of King James the Fourth with the Princess Margaret, daughter of King Henry the Seventh of England, it was thought that the old animosities between the two nations would be healed, and a time of peace inaugurated. But this result did not follow. The alliance between Scotland and France was too strong to permit of continued peace between Scotland and England. King Henry the Eighth had in person gone to France with a large army to invade that country. He left an army stationed in the north of England under the Earl of Surrey in case of any trouble from the Scots. At the instance of France, King James made war with England, and raising an army, on 22nd August 1513 crossed the border at the head of it. Lord Elphinstone accompanied his sovereign in the expedition. On his march, James took several castles, including that of Ford. There he remained for some time receiving challenge from the English. His nobility counselled him not to hazard a battle with the small army which he had. But James imprudently decided to fight. The two armies arrived near Flodden. When the battle began the Scots fought with great bravery and obstinacy against their more numerous foes. The number slain on both sides was great, but on the side of the Scots nearly all the nobles engaged in the battle fell. The Scots were defeated. King James the Fourth fell with his nobles.<sup>2</sup> The battle was fought on 9th September 1513.

<sup>1</sup> Original charter in the Elphinstone charter-chest, dated 12th August 1513. The sasine was given, at the castle of Kildrummy to an attorney, in name of Lord Elphinstone

and Elizabeth Barlow, on 27th August 1513.

<sup>2</sup> A despatch from Flodden giving an account of the battle, preserved in the public records of England, is reproduced in facsimile

In the battle, Lord Elphinstone, who in stature and appearance resembled the king, by agreement personated him on the battlefield, and was followed by the chief of the nobility who mistook him for King James. He also, although defended by the nobles, fell in the battle. The English afterwards came upon his body, and like the Scots mistook it for that of the king, and carried it to Berwick. Thus, like his ancestor of Piperdean fame of the same name, Alexander, Lord Elphinstone, fell fighting the battles of his country.

By his marriage with Elizabeth Barlow, Lord Elphinstone had two sons and four daughters.

1. Alexander Elphinstone, second Lord Elphinstone, who succeeded him, and of whom a memoir follows.
2. James Elphinstone, born 12th May 1512, was probably named after King James, and apparently died unmarried.
1. Elizabeth Elphinstone, was probably named after her mother, Elizabeth Barlow. She was born on 25th April 1508. She married Sir David Somerville of Plane, and had issue sons and daughters.
2. Euphemia Elphinstone. She was born 11th May 1509. She married John Bruce of Cultmalindie, and had issue sons and daughters.
3. Mary Elphinstone, born 28th April 1510, and died unmarried in Stirling.
4. Barbara Elphinstone was born 22nd August 1513. She died "being a chyld." <sup>1</sup> It was on the 9th of the following month of September that her father fell at Flodden.

in the National MSS. of England, vol. ii. No. ii. A further description of the battle is given in three letters from Thomas Ruthall, bishop of Durham, to Almoner Wolsey, one of which is a copy without date, and the other two

are dated 20th September 1513. [*Ibid.* Nos. iv. v. and vi.]

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.





THE PRINCESS MARGARET TUDOR, CONSORT OF KING JAMES THE FOURTH OF  
SCOTLAND, WHO WERE BOTH ROYAL BENEFACTORS OF ALEXANDER,  
FIRST LORD, AND ELIZABETH, LADY ELPHINSTONE.

1489-1539.

The important part which Queen Margaret had in forming the destinies of the Elphinstone family has been already indicated in the foregoing memoir of Alexander, first Lord Elphinstone. To her and her husband's initiative and influence, the marriage of that Elphinstone nobleman with Elizabeth Barlow, her favourite maid of honour, is to be attributed. To her influence and patronage also, there cannot be a doubt, the creation of the peerage of Elphinstone, the grant of the great barony of Kildrummy in Aberdeenshire, and the bestowal of many other royal favours to the first Lord Elphinstone and his wife, must be largely traced. On these accounts some more special notice of Queen Margaret appended to the memoir of Alexander, first Lord Elphinstone, is not inappropriate.

There is, however, another consideration. There are in the Elphinstone charter-chest a number of parchments and papers, one of them relating to her Majesty and Archibald, sixth Earl of Angus, her second husband, and others of them to her and Henry, Lord Methven, her third husband, some of which contain her signature and two of them her seal. These charter records illustrate, to some extent, the later part of her life. This fact constitutes an additional reason for inserting in these pages a memoir of Queen Margaret, embodying in it the substance of the charter muniments in question which bear so directly upon her life.

Margaret Tudor was the eldest daughter of King Henry the Seventh of England and the Princess Elizabeth Plantagenet, eldest daughter and heiress of King Edward the Fourth of England. She was born at Westminster on 29th November 1489, and was baptized on the following morning by the bishop of Ely at the font of Canterbury in Westminster Church, being named

after her grandmother, Margaret, daughter of John Beaufort, third Earl of Somerset, the king's mother. She was thereafter confirmed by the archbishop of York.<sup>1</sup>

A suitable marriage for the young princess early occupied the attention of her parents, and long before she arrived at marriageable age, they had opened negotiations on the subject with the court of Scotland. Such an alliance for their daughter gave promise of amity between the two countries, between which war, only interrupted by truces of longer or shorter duration, had prevailed for a century or two. The project of securing mutual peace and concord to England and Scotland by such a method was not an untried one at this time. When King James the Fourth of Scotland was little more than a year old, King Edward the Fourth of England sought to bring about in his person such a connection. Richard the Third, his successor, also attempted it. But each attempt failed. When King Henry the Seventh came to the throne, he likewise, in 1493, endeavoured to bring about the cherished project, but with no better result. The birth of the Princess Margaret led to a fresh attempt being made, and on 23rd June 1495, when the princess was about five years of age, King Henry gave a commission to Richard, bishop of Durham, keeper of the privy seal, and five others, to negotiate a marriage between Margaret and King James the Fourth of Scotland. But the commission, neither then nor when it was renewed on 2nd September 1496, met with encouragement.<sup>2</sup>

In 1499 King James himself made proposals for marriage with the Princess Margaret. The king was at Melrose, and the bishop of Durham waited upon him there. When the bishop was taking his departure, the king whispered softly in his ear that the only way for England to have a lasting peace with Scotland was to move King Henry to give his eldest daughter, Lady Margaret, to him in marriage. The rejoinder of the bishop

<sup>1</sup> Leland's *Collectanea*, vol. iv. pp. 253-4.

<sup>2</sup> *Syllabus of Rymer's Foedera*, vol. ii. pp. 705, 717, 727, 729, 731.

was to keep himself close on the subject, and he would with all speed ascertain the mind of Henry. True to his promise the bishop of Durham soon despatched a private messenger to James with satisfactory assurances, and advised him to send without delay ambassadors to the English king, adding, that as the iron was hot, it was best to strike it.<sup>1</sup>

King James sent commissioners to England to contract the marriage in his name, and to treat for a perpetual peace.<sup>2</sup> He also wrote to King Henry for a safe-conduct for them and a hundred horsemen.<sup>3</sup> The English king showed no less zeal. Margaret and James were within the prohibited degrees of relationship prescribed by canon law, and by 28th July 1500 King Henry had obtained a papal dispensation for the marriage.<sup>4</sup>

The contract of marriage was subscribed at Richmond Palace on 24th January 1502, and confirmed by King Henry at Westminster on 31st October, and by King James at Edinburgh on 17th December of the same year.<sup>5</sup> The Princess Margaret was now thirteen years of age. The arrangements made were highly advantageous to her. She was provided with a jointure of lands, lordships, etc., of the aggregate value of at least £2000 sterling per annum,<sup>6</sup> and also with £1000 Scots yearly during the lifetime of her husband. King Henry gave her a dowry of 30,000 angel nobles. Twenty-four of her attendants were to be English, and in case any of these died she could substitute others in their place to the number of twelve.<sup>7</sup>

On 25th January 1502-3, at Richmond, the parties were formally contracted in marriage, Patrick, Earl of Bothwell, representing King James.<sup>8</sup>

<sup>1</sup> *Annales of Scotland*, by Sir James Balfour, vol. i. pp. 223-4.

<sup>2</sup> *Rymer's Syllabus*, vol. ii. p. 735.

<sup>3</sup> *Calendar of Documents relating to Scotland*, vol. iv. No. 1653, p. 332.

<sup>4</sup> *Rymer's Syllabus*, vol. ii. p. 734.

<sup>5</sup> *Ibid.* p. 735; *Calendar of Documents*, etc., vol. iv. No. 1681, p. 337.

<sup>6</sup> These consisted of Ettrick Forest, Newark Castle, the earldom of March, the county

of Dunbar, except the castle of Dunbar, the lordship of Cockburnspath, the lordship and palace of Linlithgow, the lordship of Stirlingshire and castle of Stirling, the earldom of Menteith, the lordship and castle of Doune, and the lordship and palace of Methven.

<sup>7</sup> *Calendar of Documents*, etc., vol. iv. No. 1660, pp. 336, 337; *Rotuli Scotiae*, vol. ii. pp. 552-561.

<sup>8</sup> *Leland's Collectanea*, vol. iv. pp. 258-264.

The young bride left the home of her parents at Richmond Palace for Scotland on 27th June 1503. She was conducted thither by the Earl of Surrey, treasurer of England, the archbishop of York, the bishop of Durham, the Earl of Northumberland, Lord Dacre, and many English nobles and ladies, with a large and imposing retinue.

At Lamberton Kirk, a little north of Berwick, the Earl of Morton, the archbishop of Glasgow, and a train of Scottish nobles, received the bride and escorted her to Dalkeith. The castle of Dalkeith was at this time the principal residence of the Earl of Morton. There, and at Newbattle, her future husband, the king, visited her at different times. On 7th August the queen, accompanied by King James, entered Edinburgh, and on the day following the marriage was solemnised by the archbishop of Glasgow in the abbey church of Holyrood. For a fortnight public rejoicings continued on a large and splendid scale. There were daily tournaments, shows, moralities, combats, feasts, banquets, music, and religious services. English and foreign guests were feted, and no expense was spared. The poet Dunbar, in an allegory named the Thrissel and the Rose, in which the Thrissel represented the King and the Rose the Queen, commemorated the marriage, as at a later period, in 1511, in a poem, he celebrated the visit of Queen Margaret in that year to Aberdeen.<sup>1</sup>

From the period of her marriage to the year 1513, when the disastrous battle of Flodden was fought which left her a widow, little has to be told of Queen Margaret. The exchequer rolls for the time show that she kept up a household of her own, distinct from that of the king. She had also her own household books. Her servants, exclusive of females, were forty-two in number.<sup>2</sup> Sir Duncan Forrester was her purveyor. Sir Michael Balfour

<sup>1</sup> First Historical Commission Report, vol. i. p. 122.

<sup>2</sup> They comprised a purveyor, a carver, two doorkeepers, a butler, a steward, a

keeper of the linen, two cooks, two grooms of the kitchen, two turnspits, and other servants.—[Exchequer Rolls, vol. xiii. pp. lxxix, 125-127.]

of Burleigh was her carver.<sup>1</sup> James Dog, whose name so often occurs in the poems of Dunbar, was the keeper of her wardrobe.<sup>2</sup> There is also some ground for supposing that Sir David Lindsay of the Mount, afterwards the famous Lyon king, was groom of the stable to the queen.<sup>3</sup> He certainly was one of the queen's servants. In his "Complaint to the King," written in 1528, which secured to him in 1529 his appointment as Lyon King of Arms and his being knighted, he refers to his services to the queen and her son King James the Fifth thus—

"Whilk has so lang in service been  
Continually with King and Queen,  
And entered to thy Majesty  
The day of thy nativity."

Robert Spittal was her master tailor.<sup>4</sup> His position was a lucrative one, and he became rich in it. In 1530 he founded a hospital in Stirling for the benefit of poor tradesmen. He also built the bridge of Teith. These benefactions are recorded on a tablet in the hall of the hospital, where the words are added:—"Forget not, reader, that the scissors of this man do more honour to human nature than the swords of conquerors." The incident which led to his building the bridge of Teith is well known. On one occasion the tailor came to the ferry, at the place where the bridge was afterwards erected, without money. The boatman refusing to give him credit left him behind. Spittal, who resented the slight which he conceived to be thus put upon him, built the substantial bridge which now spans the Teith, which ruined the business of the boatman.<sup>5</sup>

<sup>1</sup> Exchequer Rolls, vol. xiii. p. 125.

<sup>2</sup> *Ibid.* vol. xiii. p. lxxxi.

<sup>3</sup> *Ibid.* pp. lxxxiii, 127.

<sup>4</sup> *Ibid.* pp. 194, 259.

<sup>5</sup> The Red Book of Menteith, vol. i. p. 493; Old Statistical Account, vol. xx. p. 50. This is not the only bridge with which the

name of the queen is closely associated. On her first arrival in Scotland in 1503, either to reside at Newbattle abbey or Dalkeith castle, she crossed the river Esk by a bridge which still stands a short way below Newbattle abbey and which is known as the Maiden Bridge, from having been used by the young bride.

King Henry the Seventh, who died on 21st April 1509, by his will bequeathed valuable jewels to Queen Margaret. These jewels King Henry the Eighth, his successor, the brother of the queen, refused to deliver to her. This the queen naturally resented. Andrew Forman, bishop of Moray, was sent to England to require the delivery of them. On 11th April 1513, the queen addressed a letter to her brother the king, in which she refers to this subject in a spirited manner. She says that neither she nor her husband could believe that he personally was the hindrance to her getting her jewels, and adds: "Oure husband knawis it is withhaldin for his saik, and will recompens ws sa far as the doctoure<sup>1</sup> schew him. We are eschamet thair-with, and wald God nevir word had bene tharof. It is nocht worth sic estimacion as is in youre diverss lettres of the sammyn. And we lak nathing. Oure husband is evir the langar the better to ws, as knawis God."<sup>2</sup> The conduct of King Henry the Eighth in the matter of this legacy was, besides being unjust, short-sighted, and did not improve the relations between the courts of Scotland and England. Indeed it contributed, along with other matters, to exasperate King James, and to decide him to enter at this time on the war with England, which so soon after ended fatally for him.

When King James the Fourth was slain at Flodden, on 9th September 1513, steps were immediately taken to carry on the government of the country. On the 21st of that month, King James the Fifth, then about eighteen months old, was crowned at Stirling. The same convention of estates which placed the crown on the head of the infant prince, intrusted the reins of government, in terms of her husband's will, to the hands of the now widowed Queen Margaret, who was appointed regent. Certain lords were named by whose advice she was to act.<sup>3</sup> On 11th November she wrote from Perth to the Queen of England, probably Katherine of Arragon, wife of

<sup>1</sup> Dr. West, the English ambassador.

<sup>2</sup> Pinkerton's History, vol. ii. Appendix, No. viii. p. 453.

<sup>3</sup> Parliamentary Records of Scotland, 1804, p. 525.

King Henry the Eighth, from whom she had received a letter of condolence, and thanked her for "her loving and hearty mind and great compassion," and desired that her brother King Henry's kindness might be made known to her lieges and realm.<sup>1</sup>

After the birth of the queen's posthumous son, on 13th April 1514, although at the time the death of her husband was so recent, plans were made for a second marriage. Her brother, King Henry the Eighth, was desirous to have her married first to the Emperor Maximilian, and afterwards, in default of him, to Louis the Twelfth of France. The Scottish nobles, on the other hand, desired her to marry Albany. Pinkerton gives a description of Queen Margaret at this time. He says :—

"The royal widow appears to have merited and possessed the admiration of all ranks. . . . Margaret was now in her twenty-fourth year ; and her youthful beauty and graces rather proclaimed the bride than the widow. Her circular countenance displaying gaiety, her vivacious eyes, her person rather rustic than delicate, were accompanied with a corresponding vigour of health." <sup>2</sup>

Queen Margaret followed neither the counsels of her brother nor of the Scottish nobility with reference to her marriage. On 6th August 1514 she was privately married to Archibald, sixth Earl of Angus, grandson of Angus Bell-the-Cat, in the church of Kinnoull, in Strathearn. John, first Lord Drummond, maternal grandfather to the Earl of Angus, and constable of the queen's castle of Stirling, got his nephew, Mr. John Drummond, dean of Dunblane and parson of Kinnoull, to perform the ceremony of marriage. The marriage, although not prompted by any political design, was not approved by the nobles. Moreover, the queen had neither consulted them nor done anything to gain their approval to it. The Earl of Angus was cited before the council. Sir William Cummin of Innerallochy, knight, Lyon king, delivered the citation. Lord Drummond, who was present, thinking he did so with too little deference and respect for Angus, boxed him on the

<sup>1</sup> Calendar of State Papers—Scotland, vol. i. No. 11, p. 2.

<sup>2</sup> Pinkerton's History, vol. ii. pp. 113-114.

ear for it. For this, a year later, or on 16th July 1515, Albany incarcerated Drummond in Blackness Castle, and forfeited his estate. Queen Margaret, whose graphic description of Drummond's offence was that he had "waffed his sleif at an harralde, and gave him upon the breast with his hand,"<sup>1</sup> interceded for him, and obtained his remission.

It would extend the memoir of Queen Margaret to undue proportions, and be beside the purpose in view, to follow all the events of her chequered career, especially all those that relate to the government and politics of Scotland.<sup>2</sup> This will therefore not be attempted. Her marriage with Angus was the signal for jealousy and discord. By the will of the late king her regency was to terminate upon the occasion of her re-marriage, and the council was not slow to carry out that provision.

On 18th May 1515, the Duke of Albany landed at Dumbarton from France. He at once summoned a parliament,<sup>3</sup> which restored to him his estates, declared him Duke of Albany and Earl of March, and appointed him regent during the king's minority. This parliament also declared that the queen had forfeited the regency and guardianship of her children by her second marriage, a decree enforced on 4th August 1515. The position of the queen, now deprived of her power and of her children, and from this time watched and suspected, was anything but comfortable. She changed her residence from place to place. On 23rd September, to avoid falling into the hands of Albany, she crossed the border, and at Harbottle gave birth, on 30th October, to Lady Margaret Douglas, the future mother of Henry, Lord Darnley. Thereafter she went with Angus, her husband, to London. She appears to have meditated remaining there, as she applied to have her jewels and rents transmitted to her in England. The lords of the council of

<sup>1</sup> The Red Book of Menteith, vol. i. p. lxii. History of the House of Drummond, pp. 135-136. Letters and Papers, etc., Henry VIII., vol. ii. Nos. 704, 779, 1830.

<sup>2</sup> This is already done, to some extent,

in the memoir of her husband, the Earl of Angus, in The Douglas Book, vol. ii. pp. 178-258.

<sup>3</sup> Letters and Papers, etc., Henry VIII., vol. ii. No. 559.

Scotland wrote her on 29th September 1516, with a list of her jewels delivered to her procurators, and about her other property and rents. Some goods she demanded, they said, were the king's property, which they were content she should have, if she came to Scotland and accepted office as his executrix, and paid his debts.<sup>1</sup> The queen remained in London from 3rd May 1516 till 18th May of the following year. She then ventured to return to Scotland, which she entered by Lamberton Kirk on 15th June 1517,<sup>2</sup> but only after hearing of the departure of Albany from its shores for France.

At Lamberton Kirk, where formerly, as a bride, in 1503, she was met by the Scottish nobles, she was now, fourteen years later, and in very different circumstances, met by Angus and others. Angus there renewed an obligation to the queen, come under at their marriage, that he would not intromit with the letting of her conjunct fee or other lands, nor receive the revenue or profit of them. He also consented that Thomas, Lord Dacre, warden of the marches, and Mr. Thomas Magnus, archdeacon of the East Riding, Englishmen, and Alexander Craufurde, master of St. Antony's, beside Leith, and Robert Carre of Selkridge, Scottish men, should possess and exercise the powers in the premises he could claim. All this he promised upon his honour. This obligation being produced in the court of the official of St. Andrews, in the archdeaconry of Lothian, the official caused a transumpt of it to be made. The obligation is dated 15th June, fourth year of the king's reign. The transumpt is dated 9th November 1518.<sup>3</sup>

Queen Margaret was anxious again to have the regency of the kingdom. Even Albany, who had found the position a thankless one, favoured her obtaining it.<sup>4</sup> But the queen insisted that Angus, her husband, should be

<sup>1</sup> National mss. of England, vol. ii. No. viii.

387. Ninth Report to the Historical Commissioners, Part ii. No. 38, p. 191.

<sup>2</sup> Letters and Papers, etc., Henry VIII., vol. ii. No. 3365.

<sup>3</sup> Transumpt in Elphinstone charter-chest. The Douglas Book, vol. iii. No. 309, pp. 386-

<sup>4</sup> Queen Margaret to Lord Dacre, Caligula, B. i. p. 247.

joined with her in the office; but this the lords would not allow. The queen's devotion to her husband was, however, soon shaken. In August 1518 she learned that he had been unfaithful to her. He had carried off a lady to Douglasdale, described by Godscroft as a daughter of the laird of Traquair, whom he entertained there. The queen formed a determination to obtain a divorce.<sup>1</sup> This was opposed by her brother, who induced her, against the advice of Arran and other lords, to return to Angus. The reconciliation was at least outwardly cordial. In October 1519, when she visited her son at Edinburgh, Angus, with four hundred horsemen, met her and escorted her there in great state; and her entry to the city was "with great triumph, in shooting of guns, and great melody of instruments playing."<sup>2</sup>

Soon after this rumours, questioning the faithfulness of Queen Margaret to her husband, got abroad, and from being the accuser she came to be herself accused. If the rumours originated with King Henry, Wolsey, and Dacre, as they certainly were circulated by them, they are the less to be believed, as the queen was not in favour with them at the time. The queen was represented as closeted with Albany during the greater part of the night as well as during the day.<sup>3</sup> Margaret, who had been denied the support of England, had looked to France, and invited Albany to Scotland, where he arrived on 19th November 1521. The queen acted with Albany during his regency now again resumed, and which lasted until his final return to France on 20th May 1524. It was apparently during these years that a picture of Albany and the queen, now in the possession of the Marquess of Bute, was painted. In the picture Albany, with his rich fur-trimmed robe, stands facing the queen. For what reason, or on what particular occasion the picture was made, it is impossible to conjecture.<sup>4</sup>

<sup>1</sup> Leslie's History of Scotland, p. 113. Pinkerton, vol. ii. p. 173.

<sup>2</sup> Letters and Papers, etc., Henry VIII., vol. iii. p. 482.

<sup>3</sup> Tytler's History, vol. iv. p. 136.

<sup>4</sup> There are several engravings of this interesting and celebrated painting. The earliest of these, and a very excellent one, by Edward Harding, will be found in Pinkerton's Scottish Gallery of Portraits, 1799.

Whatever may be said of the extent and propriety of Margaret's relations with Albany, it became only too evident that her affection for Angus was hopelessly gone. This was placed beyond a doubt when, immediately after Albany's departure, she became enamoured of Henry Stewart, second son of Andrew, second Lord Avandale. She made him first treasurer, and then chancellor of the kingdom, and then, in March 1526, obtaining a divorce, she married him. She also procured his appointment to be lieutenant under Lord Maxwell, the captain of the guard, of two hundred men who had the care of the king's person.<sup>1</sup> Other appointments were added to these. He was made director of chancery for life on 3rd September 1524,<sup>2</sup> and master of the king's artillery during peace and war on 17th December of the same year.<sup>3</sup> The first of these commissions passed under the great seal, and the second, which is stated to be with consent of the king's mother, passed under the quarter seal.

On 3rd May 1524, Queen Margaret received the ward and non-entry of the lands, annualrents, and other goods which belonged to the late Alexander, Earl of Huntly, and which, by his decease, were fallen to the king, together with the relief of the said lands and others, when it should happen; also the marriage of George Gordon, nephew and heir of the late earl above named, which failing, by decease or otherwise, unmarried, the marriage of the heir or heirs male or female whomsoever of the said earl succeeding to him in his heritage. The letters of gift by King James the Fifth were given with consent and authority of John, Duke of Albany, the king's tutor and protector, and governor of the realm, and under the privy seal. Confirmation was given on 27th January 1524-5 under the quarter seal.<sup>4</sup>

Pinkerton thinks the picture is partly satirical, and that it was probably painted in the north of England. There are later engravings of the picture in Small's *Introduction to the Works of Gavin Douglas*, vol. i., between pp. xc-xci; in Grant's *Old and New Edinburgh*, Cassell's Edition, vol. i. p. 44; and in the *Proceedings of the Society of Antiquaries*,

Scotland, 1892-3, vol. xxvii. Plate iv., between pp. 186-187. There is also a reproduction of the portrait of Albany from this picture in Anderson's *Scottish Nation*, vol. i. p. 51.

<sup>1</sup> Book of Carleverock, vol. i. p. 175.

<sup>2</sup> Original Letters by King James the Fifth, in the Elphinstone charter-chest.

<sup>3</sup> *Ibid.*

<sup>4</sup> Original, *ibid.*

On 20th June of the following year the queen made Henry Stewart her cessioner and assignee of the subjects above recited. In the notarial instrument containing this grant, she revoked all others previously made thereof in favour of James, Earl of Moray, or any other person. The instrument, which was executed at the chapel-royal, in the castle of Stirling, bears the queen's signature.<sup>1</sup>

This instrument was followed by another, dated 18th August 1525. In it the queen, who appeared before the notary, mentions with grief her troubles, to wit, many hindrances arising from schism in the kingdom through rivals of her sovereignty, etc., that she was pursued with hatred for her destruction, and compelled to leave the south parts of the kingdom and to stay in Moray. She also records her grant made formerly to Henry Stewart of the ward, relief and non-entry of the lands of the late Alexander, Earl of Huntly, with the marriage of George, now Earl of Huntly. This grant she confirmed, declaring it to be for the benefit of her Serenity, and protesting that if anything were done at the request of James, Earl of Moray,<sup>2</sup> by her against the terms of that gift, it should not prejudice it, being done through fear. This instrument was made in the burgh of Elgin, in the manse or hospice of the canonicate of Duffus, situated within the canony of Moray.<sup>3</sup>

Between the date of this instrument and the close of the year 1527, a period of two years, there are other seven similar instruments confirming, for the most part, the gift above described to Henry Stewart. Only some of these need be here noted. In one of them, dated 18th February 1525-6, the queen, after narrating that she had constituted Henry Stewart her assignee to the ward of Huntly, appoints him her assignee to a formal act between her and Robert Bertoun of Over Bertoun, comptroller, dated 6th May 1525. The act which is given, is to the effect that the comptroller bound himself to

<sup>1</sup> Original in Elphinstone charter-chest.

<sup>2</sup> There is another instrument in the same terms, dated 13th October 1525, where the words "done at the request of James, Earl

of Moray," have added to them the words "and in favour of him."

<sup>3</sup> Original in Elphinstone charter-chest.

the queen that, as she had left the Earl of Huntly with the king to remain with him, he would deliver the said earl to her when required, under the pain of 20,000 merks Scots. This instrument, which is dated at the castle of Hamilton, as the queen's place of residence for the time, is subscribed "Margaret R."<sup>1</sup>

In another instrument, dated 2nd October 1526, the queen ratifies to Henry Stewart the ward of Huntly, by way of recompense of the great sums of money spent by him and his friends in her service, because she could not recompense him in any other way. This instrument explains that for her liberation and safety from imminent and evident perils of her person and her familiars through the hatred and persecution of Sir Archibald Douglas, Earl of Angus, and his kindred, she had been compelled by letters and writings from him to give him the grant of the ward of the before mentioned lands of the Earl of Huntly. The queen now gave her corporal oath that, as she was compelled to such assignment through fear and against her good, she therefore revoked such grant. The instrument is dated from the castle of Stirling. James Stewart, brother-german of Andrew Stewart, Lord Avandale, is one of the witnesses.<sup>2</sup>

Other two instruments, both dated 8th December 1527, confirm the right of Henry Stewart to the ward of the lands of Huntly. In one of them the queen renounced all pretended assignations made by her to the Earl of Angus, or James, Earl of Moray, before the divorce between her and Archibald, Earl of Angus; and by Archibald, Earl of Angus, to himself or James, Earl of Moray. One of the instruments, done at the palace royal at the monastery of Holyrood, near Edinburgh, is signed "Margaret R." The seal which had been affixed is wanting. The other, done in the castle of Stirling, has her large seal appended, but the instrument is not signed.<sup>3</sup> The following is a description of the seal:—Circumscription, "Margareta Regina Socie." Shield impaling the arms of Scotland, and those of France and England

<sup>1</sup> Original in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

quarterly; supporters, dexter side, a unicorn; sinister, a greyhound—surmounted by a large royal crown. On the top is a cross. On each side of the shield between the supporters is a rose.

In 1528 King James the Fifth freed himself from the tutelage of the Douglases, and asserted his right to govern the kingdom. Queen Margaret contributed unwittingly to bring this about. The plan of the king was to escape from his tutors to Stirling Castle, and there surround himself with his friends. The castle belonged to the queen as part of her dower. Without informing Queen Margaret of his purpose, the king prevailed with her to renounce to him the castle in exchange for the lands of Methven, in Strathern, which he said he would make over to Henry Stewart, her husband, with a peerage. The project of the king succeeded, and on 17th July, about a fortnight later, he granted a charter to Queen Margaret and Henry Stewart, her spouse, of the lands and lordship of Methven, with the castle, etc., in the sheriffdom of Perth, to be held by them and the survivor of them in conjunct fee, and the heirs-male of their bodies; whom failing, to revert to the king.<sup>1</sup> The king also, on 18th September 1528, granted a charter under the quarter seal in favour of his cousin, Henry Stewart, Lord of Meffane, in respect of his good, faithful, and gratuitous services, and in recompense of the enormous loss, damage, and expense sustained by him in the king's service and for his cause. The charter confirmed to him an assignation in his favour by the king's dearest mother of the ward, relief, and non-entry of the whole lands and earldom of Huntly, with the marriage of the heir or heirs male or female. It also confirmed the king's own gift to him on the same subject.<sup>2</sup>

In December a treaty of peace for five years was concluded with England, and on February 15th, 1529, Queen Margaret wrote to King Henry, thanking him for his consideration for her interest manifested in that treaty.<sup>3</sup> During

<sup>1</sup> Register of the Great Seal, vol. iii. No. 614.

<sup>2</sup> The precept for the charter is dated 6th September 1528. Original precept and charter in Elphinstone charter-chest.

<sup>3</sup> The National mss. of England, vol. ii. No. xxii.

the year 1529 King James the Fifth and Queen Margaret, his mother, made a visit to the Earl of Atholl. In honour of his royal guests, the earl built a palace for them on Loch Loch—a lonely spot. He also spared no cost in entertaining them. When they vacated the beautiful palace, on their departure it was burned to the ground, much to the astonishment of the pope's nuncio, who was present, and who was unaware of the practice of the Highlanders to burn such temporary buildings. The exact site of this building is not now known. Tom nan Ban, *i.e.* Queen's Knoll, the name of a hillock close to Loch Loch, probably refers to Queen Margaret and her visit there.<sup>1</sup>

Other charters may be noticed as relating to Queen Margaret and Lord Methven. The latter, on 20th September 1529, received from the king the lands of Cockburnspath and Bowscheill, in the shire of Berwick.<sup>2</sup> On 3rd October 1531, he and Queen Margaret received a precept of sasine of the lands and lordship of Methven and Balquhidder, in the shire of Perth, which they had resigned in the king's hands.<sup>3</sup>

On 14th October 1539 Queen Margaret, with consent of her husband, Lord Methven, granted a lease to John of Cragyngelt of that ilk of the coalheugh of Skeoch, in her lordship of Stirlingshire. The lessee engaged to supply the queen at her lodging, in Stirling, with 200 loads of coal yearly, and 100 loads in addition if the coalheugh prospered. The lease is signed "Margaret R." and "Henry, Lord Methven."<sup>4</sup> The queen's small signet is impressed on the paper. It is a shield surmounted with the royal crown, with the letter M on one side and R on the other side of the shield. The arms on the shield are too indistinct to be deciphered.<sup>5</sup>

<sup>1</sup> History of Scotland, by Robert Lindsay of Pitscottie, 3rd edit. pp. 226-228. Sixth Report to the Historical Commissioners, p. 689.

<sup>2</sup> Original in Elphinstone charter-chest.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* There are several other charters relating to Queen Margaret and Lord Methven, and also to the second wife of his lord-

ship, in the Elphinstone charter-chest. It is unnecessary, however, to notice them.

<sup>5</sup> In the Hamilton Papers in the British Museum, London, there are several small wafer signets of the queen. In letters from 4th March 1534 (32,646, f. 40) to 18th July [1536] (f. 89), her signet gives Scotland impaling France and England quarterly on a

Besides Stirling Castle, the queen had Doune Castle as part of her dower possessions. She had no small trouble with the keeper of this castle. On 29th September 1520, William Edmonstone of Duntreath obliged himself to safely keep the castle and be ready to receive the queen and her son, the king, in the castle at her pleasure, the queen bearing her own and her son's expenses. Nearly five years later the royal owner of the castle charged Edmonstone to make ready to receive her. He replied that he would receive her and her gentlewomen, but not her servants. The queen hereupon raised letters against him, and obtained a decree of the council for him to deliver up the castle within forty-eight hours. This was followed by a charge from King James to comply with that decree, or else he would come in person and take the castle from him. Edmonstone replied that he would always obey the king, and that he would bear his answer to His Grace himself. After other proceedings the queen gave a commission to James Stewart, brother german of Andrew, third Lord Avondale, to be her steward of the lordship of Menteith and captain of the castle of Doune, for her lifetime, in place of Edmonstone. This occurred in 1527. The appointment was confirmed by the king on 14th July 1528. Edmonstone, however, did not even then relinquish his office; and not till 10th November 1531, when articles of agreement between the rival captains of the castle were confirmed, was the dispute at an end.

Queen Margaret by her marriage with Lord Methven had one child, who died in infancy. The queen herself died in June 1541, in Methven Castle, at fifty-two years of age. She was buried with great pomp in the church of the Carthusians in Perth.

shield surmounted with a crown. In the Duke of Montrose's charter-chest there is a receipt by the queen and Lord Methven sealed with a wafer seal as that in the text. Later, however, the queen adopted a new design, which gives Scotland impaling France in chief and England in base on a shield, the shape of which points to a foreign influence,

with an imperial crown above and M. R. at the sides of the shield. From behind the shield a thistle rises on the one side and a rose on the other (Letter of 8th March [1536-7], f. 109, and Letter, 28th February [1540-1], add. 32,646, f. 147). The wafer signet in the text in all likelihood carries this last design. [Hamilton Papers, vol. i. pp. 43, 65, 66.]

By King James the Fourth, her first husband, Queen Margaret had four sons and two daughters, but only one of their children, Prince James, afterwards King James the Fifth, survived to reach mature years. Prince James, their first child, who was born on 21st February 1507, died on 15th February 1508. Isabella Elphinstone, daughter of Sir John Elphinstone of Elphinstone, and sister of Alexander, first Lord Elphinstone, was nurse to this prince. After the birth and death of a daughter, her second child, in 1508, Prince Arthur was born on 20th October 1509. It was at the baptism of this prince that Alexander, first Lord Elphinstone, was raised to the peerage. The prince died on 13th July 1510. Prince James, who became King James the Fifth, was born on 11th April 1512. Other two children were born of the marriage with the king after this. The first was a daughter, who died in infancy, and the second was Alexander, Duke of Rothesay, who was born on 13th April 1514, and died on 18th December 1515.

Margaret

Margaret  
 rd of Argyll

rd of Argyll

James



## ELIZABETH BARLOW, FIRST LADY ELPHINSTONE.

Elizabeth Barlow, Lady Elphinstone, and Queen Margaret Tudor, wife to King James the Fourth, came to Scotland together, the former as maid of honour to the Queen. They were subsequently both made widows in one day by the same national calamity, their respective husbands having fallen at Flodden.

Soon after the death of her husband, Alexander, Lord Elphinstone, Lady Elphinstone entered into an indenture with John, sixth Lord Forbes, dated at Perth, 19th January 1514-15, with reference to a projected marriage between the families of Forbes and Elphinstone. In the indenture Lord Forbes acknowledges having received from Lady Elphinstone one thousand merks, "quhairin," he says, "sche is oblist to me for mareage to be endit betuix my barnis and the barnis gottin vpone hir be vmquhill Alexander, Lord of Elphinstone." His lordship obliges himself, in default of the said marriage, to deliver two thousand merks to Alexander, Lord Elphinstone, her ladyship's son, and engages not to claim, receive, or intromit with any of the maills or fermes of her ladyship's terce or conjunct-fee lands on the south side of the Tay, but that she should freely dispone thereupon at her pleasure during her life.

This indenture bears to have been preceded by another between the same contracting parties, dated at Stirling, 14th January, or five days earlier than the present, and the obligations come under by Lord Forbes above mentioned are said to be in accordance with it. The indenture of 19th January further proceeds to state that Lord Forbes, understanding that "my mareage with the said noble ladie is to the greit weill and commodetie of me, my hous, and barnis, and being of mind that perfyte ametrie, gvdwill, and freindschip, sall stand and be interteynit betuix me, my posteretie and freindschip, and Alexander, now Lord Elphinstoun, his posteretie and freindschip, and that the variance betuix ws anentis the marchis of certane our

landis in the northe be knawin and put to ane point," he for himself and his heirs, for the causes foresaid, and at the earnest request of Lady Elphinstone, and she taking the burden upon her for her son, Lord Elphinstone, describe the marches of their proper lands, which they declare "ar the veray just, trew, and vudowtit methis and rychtous marchis" betwixt Lord Forbes' lands and barony of Forbes, Carndurg and Kerne and Lord Elphinstone's lands and barony of Kildrummy, Achindoir, and Deskie, all situated in the shire of Aberdeen. The witnesses to the indenture are John Forbes of Pitsligo, Robert Callender of Maner, Robert Bruce of Carnok, David Bruce of Kinnaird, William Forbes and Sir William Christeson. The indenture was prepared in duplicate, and on the duplicate retained by Lord Forbes, the signature and seal of Lady Elphinstone were added. The duplicate retained by her ladyship contains the signature "Jhone Lord Forbes," who undertakes to affix his seal to it within fifteen days after Lady Elphinstone's first visit to Kildrummy. The seal has not been added.<sup>1</sup>

The indenture is a peculiar family arrangement for a marriage between the children of the contracting parties, and also, at the same time, for one between the parties themselves. Lord Forbes and Lady Elphinstone were married. Their marriage must have taken place between the date of the indenture 19th January 1514-15 and 29th July following, when King James the Fifth granted a charter of confirmation to John, Lord Forbes, and Elizabeth Berlay, his spouse, of the lands and barony of Fudes, in the shire of Aberdeen, which John, Lord Forbes, had resigned. The lands and barony of Fudes are to be held by John and Elizabeth and the survivor of them, without division in conjunct fee, and by the heirs of the said John, Lord Forbes.<sup>2</sup>

The marriage between the children of the two families proposed in the indenture of 1514-15 did not take place. On 13th February 1522-3 Elizabeth Elphinstone, daughter of Elizabeth Barlow and Alexander, first Lord Elphin-

<sup>1</sup> Original indenture of 19th January 1514-15, in Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. iii. No. 33.

stone, appeared before a notary and required John, Lord Forbes, to cause John Forbes, his son and apparent heir, to contract marriage with her in face of holy church, because they had exceeded marriageable age to the space of one year, and this in accordance with indentures between the foresaid lord and the late Elizabeth Barlow, Lady Elphinstone, mother of the said Elizabeth Elphinstone. She protested solemnly that, if he did not cause his son to do this, she should recover from his lordship the sum of two thousand merks and interest. Elizabeth Elphinstone afterwards, and before 3rd August 1528, married David Somerville, eldest son and heir-apparent of Thomas Somerville of Plane. On that date she and her husband received a charter of a seventh part of a fourth part of Erthbeg, then called Elphinstone, from her brother, Alexander, second Lord Elphinstone, and his curators.<sup>1</sup> Elizabeth Barlow, Lady Elphinstone, died before 13th February 1522-3, when, as shown above, she is said to be dead.

<sup>1</sup> Original charter in Elphinstone charter-chest.

## XII.—ALEXANDER, SECOND LORD ELPHINSTONE.

CATHERINE ERSKINE, DAUGHTER OF JOHN, FOURTH LORD ERSKINE, HIS WIFE.

1513-1547.

Alexander, second Lord Elphinstone, was born on 22nd May 1511.<sup>1</sup> He was little more than two years old when his father, Alexander, first Lord Elphinstone, fell at Flodden, on 9th September 1513.

Two days after his entry into England on his fatal expedition, or on 24th August 1513, King James the Fourth, at Twiselhaugh, in Northumberland, assembled the lords present with the army in parliament, and passed an Act ordaining that the heirs of those who should die or be slain in the war should have their ward, relief and marriage, due to the king, free, irrespective of their age.<sup>2</sup> As Alexander, second Lord Elphinstone, as heir to his father, came under this category of heirs, he reaped the benefit of this statute.

The Elphinstone estates were in this way relieved from the exaction of non-entry duties during a long minority, which must have amounted to a considerable sum. But one immediate result beneficial to Lord Elphinstone arising from this provision was that, while still an infant, he was retoured heir to his father in his lands and possessions. There were two retours of service granted to him. One of these was in the lands and barony of Elphinstone, with the tower, fortalice, and pertinents of the same, and the lands annexed thereto, which were Pittendreich, Cragrosse, Quarell, Cragorth, Gargunnoch, Carnok, Playne, and other lands. The retour, which is dated at Perth, 27th October 1513, states that his lordship was not of lawful age, except by virtue of the act of dispensation graciously made by the late king at Twischile. It explains also that, with the exception of the

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. p. 278.

lands of Cragorth, which, being conjunct infestment lands, were in the hands of Elizabeth Barlow, Lady Elphinstone, the whole lands and others were in the hands of the lords superior, for the space of six weeks or thereby, because of the death of the late Alexander, Lord Elphinstone, in the field of battle, under the standard of his late sovereign lord the king, in Northumberland, in defence of his person; and because the true heir had not prosecuted his right. William, Lord Ruthven, as sheriff of Stirling, by special commission from King James the Fifth, presided at the inquest for the service, which consisted of Patrick Butter of Gormok, Thomas Charteris of Kinfavnis, David Scrymgeour of Fordall, and others.<sup>1</sup>

Lord Elphinstone was also on the same day and at the same place, by the same court of inquest, presided over by Lord Ruthven, this time as sheriff of Perth, served heir to his father in the lands of Little Fordale, the six merk land of Kildeny, the five merk lands of Dunbullis, the mill of Kippenross, all in the sheriffdom of Perth. These lands and mill were in the hands of the lords superior for the time and reasons already assigned.<sup>2</sup>

Sasine followed upon these retours. Upon a precept by the king directed to John Cragingelt, sheriff of Stirling in that part, dated 2nd November 1513, the latter, taking security for 140 merks of relief, gave sasine to James Spetaile of Blairlogy, attorney for Lord Elphinstone, of the barony of Elphinstone, on 8th November 1513, at the principal message of the barony and tower of Elphinstone.<sup>3</sup> Sasine was also given of the lands of Drumbullis, in the shire of Perth. In this case the sasine proceeded upon (1) a power of attorney by the king appointing Alexander Elphinstone, John Wilson, and

<sup>1</sup> Original retour in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> Original sasine, *ibid.* The extant Responde Books, which begin in the year 1513, and contain the sheriffs' accounts relating to the feudal payments of Crown vassals on their succession, are printed in the Exchequer Rolls. In these books an entry referring to

this sasine occurs, and is to the following effect:—The sheriff is to answer for £100 of relief of the land and barony of Elphinstone, with tower, etc.; and for £10 of relief for the lands of Gargunnok, Carnok, and Playne, due to the king by sasine given to Alexander Elphinstone of the same, 29th October 1513. [Exchequer Rolls, vol. xiv. p. 519.]

others, attorneys of Alexander Elphinstone, son and heir of the king's late cousin, Alexander, Lord Elphinstone, dated 26th September, first year of the king's reign [1513]; (2) a precept by William, Lord Rowthwan, sheriff of Perth, to give sasine to Alexander, Lord Elphinstone, son and heir of umquhile Alexander, Lord Elphinstone, of the five merk lands of Drumbullis, and of the mills of Kippenross, in the shire of Perth, dated at Perth, 15th February 1513-14. The sasine, which was given to the attorneys, is dated 11th November 1514.<sup>1</sup>

Besides receiving sasine of the lands above described, Lord Elphinstone, as heir to his father, also received from James Cunynghame, lord of the barony of Polmais-Cunynghame, sasine of a fourth part of the lands of Erthbeg, now called Elphinstone, situated in the barony just named, and sheriffdom of Stirling.<sup>2</sup>

Having succeeded to his father in his lands and baronies, Lord Elphinstone was also confirmed in other holdings which belonged to his father. This was done in letters of approbation, under the privy seal, by which the king, with advice of his mother, the queen, and the lords of council, ratified all letters of tack and assedation made by the late king to the deceased Alexander, Lord Elphinstone, and Elizabeth Barlow, his spouse, upon lands and "other thingis." These letters of approbation are dated at Edinburgh, 21st February 1513-14.<sup>3</sup>

<sup>1</sup> Original sasine in Elphinstone charter-chest. In the Responde Books the sheriff is answerable for 2d. silver for duplication of the fermes of five merklands of Drumbullis, and for 2d. silver for duplication of the fermes of the mill of Kippanros due to the king by sasine given to Alexander Elphinstone of the same, 11th October [1513]. [Exchange Rolls, vol. xiv. p. 519.] There is no similar retour and sasine relating to Kildrummy in the Elphinstone charter-chest. The Responde Books show, however, that Lord Elphinstone at this time was infeft in

Kildrummy. The entry bears that the sheriff is to answer for £100 of the fermes of Kildrummy, with tower, etc., advocation of the church of Innernochy and chapel of Den, etc., being in the king's hands by demission of Elizabeth Barlow, Lady Elphinstone, and for £200 relief of the same due to the king by sasine given to Alexander Elphinstone, 11th July, year foresaid [1514]. [*Ibid.* vol. xiv. p. 562.]

<sup>2</sup> Original sasine, dated 2nd November 1514, in Elphinstone charter-chest.

<sup>3</sup> Original letters, *ibid.*

Hitherto Lord Elphinstone has been represented by attorneys, specially appointed, who have acted for him. In an indenture between John, Lord Forbes, and Elizabeth Barlow, Lady Elphinstone, now to be referred to, the latter acts for him in a matter affecting the boundaries of Kildrummy. This indenture, which is in the vernacular, has already been partly described in the notice of Lady Elphinstone which precedes this memoir. It provides for a marriage between the children of the respective families of Forbes and Elphinstone, in default of which marriage, Lord Forbes was to pay to Lord Elphinstone 2000 merks. It also deals with the marriage of Lord Forbes to Elizabeth Barlow, Lady Elphinstone. On the ground of these projected matrimonial connections, Lord Forbes desired that goodwill should subsist between him and Alexander, Lord Elphinstone. As there was a variance between them regarding the marches of certain of their lands, Lord Forbes, at the solicitation of Lady Elphinstone, and she, for herself, and taking burden upon her for her son, Lord Elphinstone, agreed and declared what were the just marches between the lands and barony of Forbes, Carndurg, and Kerne, and Lord Elphinstone's lands and barony of Kildrummy and Auchindoir and Deskie, in the shire of Aberdeen. These were as follows:—

“ Begynnand at the watter of Bogy, at the inpassing of the stryip of the Flockhil-doun in the said wattir, passand south or thairby vp the said stryip to the hill heid quhairfra the same rynniss, and hald west the hill heid as wynd and wedder shears to the heid of the Flewchebad, and thairfra descendand northwest, or thairby, to the burne of Doskye, and down the said burne till it cum to the wattir of Mosset, and doun Mosset till it cum to the wattir of Don.”<sup>1</sup>

It now became necessary to have a tutor appointed during the minority of Lord Elphinstone. William Elphinstone, canon of the cathedral church of Aberdeen and prebendary of Clatt, who was the third son of James Elphinstone and brother of Sir John Elphinstone of Elphinstone, knight, and also uncle of Alexander, first Lord Elphinstone, received the appointment.

<sup>1</sup> Original indenture in duplicate, dated at Perth, 19th January 1514-15, and signed “Jhone Lord Forbes,” in Elphinstone charter-chest.

The letters of tutory by the king, which were under the quarter seal, are dated at Edinburgh, 28th November 1516. They state that by inquest it was found that William Elphinstone was the nearest agnate or kinsman on the father's side of the late Alexander, Lord Elphinstone, that he exceeded twenty-five years of age, and that he was not the nearest heir to succeed in case of the death of Lord Elphinstone, who had brothers and sisters, minors; and also that who would be fitter on the mother's side with whom he might be brought up until he came of age was not known, as his mother was not of Scotch nationality.<sup>1</sup>

Although the formal appointment of William Elphinstone as tutor and administrator to Lord Elphinstone dates only from 28th November 1516, he appears to have acted in that capacity for a period exceeding two years previous to that appointment. The following entry in a short inventory of Elphinstone writs of house property in the town of Stirling is conclusive on this point:—

“ Alexander, the second Lord Elphinstone, his sesing takin be his tutor, the parson of Clatt, of Redheuche and Thomsounes tenementis with the yairdis. Daitt 1514, viii of May. Notair, Edvard Spittell.”<sup>2</sup>

The appointment of William Elphinstone as tutor of Elphinstone was not allowed to pass without protest. Mr. Robert Elphinstone, rector of Kincardine, who probably was the son of Thomas Elphinstone and grandson of Sir John Elphinstone of Elphinstone, as he is described “cousin” of Alexander, second Lord Elphinstone, considered that he had stronger claims to the position. A protest which he made led to the resignation of William Elphinstone and the substitution of Mr. Robert Elphinstone in his place. This change was effected before 11th October 1520, when the collation took place of Alexander Elphinstone in the canoury and prebend of Innyrnocht by the bishop of Aberdeen on the presentation of Lord Elphinstone, with consent of Robert Elphinstone, rector of Kincardine, and “tutor to the foresaid lord.”<sup>3</sup>

<sup>1</sup> Letters of tutory, in Elphinstone charter-chest.

<sup>2</sup> Original inventory, *ibid.*

<sup>3</sup> Register of Aberdeen (Maitland Club), vol. i. p. 386.

On 15th May 1524 Mr. Robert Elphinstone, as tutor of Elphinstone, took steps for the redemption of the five merks' worth of land of the town of Cragorth. The lands had been sold, under reversion, on 16th December 1506, by Sir John Elphinstone of Elphinstone, knight, to the late Nicholas Cristesone, burghess of Stirling.<sup>1</sup> The heirs and assignees were apparently unwilling to have the lands redeemed, as they did not put in an appearance to receive the money. In these circumstances, Mr. Robert Elphinstone laid down upon the high altar of the parish church of Stirling one hundred merks, which he consigned to the town of Stirling for the redemption of the lands and the profit of the heirs of Nicholas Cristesone. A receipt for the money was granted by Alexander Foster, provost of Stirling, Richard Narne, and Alexander Watson, bailies of the burgh, the two first of whom subscribe the receipt.<sup>2</sup>

Although Lord Elphinstone was still young and under age, he entered into a contract of marriage with Catherine Erskine, daughter of John, fourth Lord Erskine.<sup>3</sup> The contract is dated 20th November 1525, at which time Lord Elphinstone was little more than fourteen years of age. The matrimonial connection between the Erskine and Elphinstone families, which had been anxiously contemplated in the previous generation, as shown in the memoir of the first Lord Elphinstone, was deferred, according to the wishes of King James the Fourth and his queen, Margaret Tudor. The connection, however, although postponed, was not finally renounced by either of the families. It was now, after a lapse of twenty-three years, brought about in the persons of the principal parties to this contract. The indenture was made at Alloa between John, Lord Erskine, and Catherine Erskine, his daughter, on the one part, and Alexander, Lord Elphinstone, with advice, consent, and authority of his curators, Robert Calendar and Alexander

<sup>1</sup> *Supra*, p. 31.

<sup>2</sup> Original receipt in Elphinstone charter-chest.

<sup>3</sup> Several peerage writers have stated that

Catherine Erskine was daughter of Robert, third Lord Erskine; but this is a mistake, as she is explicitly stated to be the daughter of John, Lord Erskine, in her marriage contract.

Levingstoun of Terentaray, on the other part. The indenture, besides arranging the marriage, practically deprived Mr. Robert Elphinstone, tutor of Elphinstone, of the control and management of the Elphinstone estates, and gave that power and authority for the time into the hands of John, Lord Erskine, the father-in-law of the young lord. The indenture provided that Lord Elphinstone should marry Catherine Erskine in face of holy church in all goodly haste. After the marriage was completed, Lord Elphinstone was to resign his lands of Pittendreich, property and tenandry, into the king's hands, for a regrant to himself and his wife and their heirs, in conjunct fee. He was also to give the obligation or reversion made by the late James Levingstoun of Dawders to the late Sir John Elphinstone of that ilk, knight, of a piece of land in Pittendreich, the redemption of which rested upon the payment of one hundred pounds to John, Lord Erskine, and Catherine, his daughter, for redeeming of the same for the profit of Lord Elphinstone and Catherine Erskine, in conjunct fee. This one hundred pounds, so employed, was to count as part of the tocher to be paid to Lord Elphinstone, who was to grant a discharge for it. Lord Erskine, on his part, was to pay Lord Elphinstone, as tocher, thirteen hundred merks at specified dates, extending over seven years from the date of the contract. This sum was to be invested in land for the mutual benefit of Alexander and Catherine and their heirs, in conjunct fee, by the advice of Lord Erskine and Robert Calendar, or any other of their tender friends for the time.

Another provision of the marriage contract refers to the management of the Elphinstone estates. By this provision Lord Erskine was to act with Lord Elphinstone in defending his living and heritage, tacks, and others, and in getting his heirship goods, with compt, reckoning, and payment of his tutor, the parson of Kincardine. He was also to do, and cause his friends to do, for the said Alexander, Lord Elphinstone, his tender kinsmen and friends, in time coming. Lord Elphinstone, with advice of his curators, was to use the counsel of John, Lord Erskine, in the rule and guiding of his living, and be

ruled and guided by him in all things, until he came of perfect age and had discretion to rule and guide his living himself. On the other hand, he also obliged himself to take part with Lord Erskine in all actions and quarrels, and to do, and cause his kinsmen to do, in time to come for Lord Erskine and his friends and kinsmen to the best of their power.

The marriage contract was prepared in duplicate, the duplicate retained by Lord Erskine containing the signatures and seals of Lord Elphinstone and his curators, and the duplicate retained by Lord Elphinstone containing the signature and seal of Lord Erskine. Among the witnesses to the contract are Alexander, abbot of Cambuskenneth, Mr. John Campbell, the king's treasurer, and Mr. Alexander Erskine, parson of Monyabroch.<sup>1</sup>

The marriage of Lord Elphinstone to Catherine Erskine must have been celebrated between 20th November 1525, the date of the contract, and 27th February 1525-6, as, on the last of these dates, King James the Fifth granted a charter of confirmation, with consent of the lords of his privy council, in favour of his lordship and Catherine Erskine, his spouse, of the lands of Pittendreich, in the barony of Elphinstone and sheriffdom of Stirling. These lands, resigned by Lord Elphinstone, were to be held by him and Catherine, his wife, and the survivor of them, without division, in conjunct fee and heritage, and by the heirs of their bodies, whom failing, by the nearest lawful heirs of Alexander, Lord Elphinstone, whomsoever, in free barony.<sup>2</sup> Sasine, proceeding upon a precept by the king, was given on 9th May 1526.<sup>3</sup>

The power and authority to manage and control the affairs of Lord Elphinstone which was given to Lord Erskine could not have been agreeable to Mr. Robert Elphinstone, tutor of Elphinstone. That he resented it became soon apparent. He took possession of the Elphinstone charter muniments,

<sup>1</sup> Notarial copy of the marriage contract, in Elphinstone charter-chest.

<sup>2</sup> Register of Great Seal, vol. iii. No. 348.

<sup>3</sup> Original sasine, in Elphinstone charter-chest.

and refused to deliver them up unless compelled to do so. His attitude led to a law-suit, in which Lord Elphinstone sought recovery of his charters. He procured letters charging the tutor to deliver the charters, or appear before the lords and show reasonable cause why he should not surrender them. The tutor chose the latter course, when Lord Elphinstone appeared by John, Lord Erskine, his procurator, and Mr. Robert Elphinstone by Mr. Henry Spittale, his procurator. With consent of parties, the lords of articles ordained letters to be directed as before, requiring the tutor to produce the charters in his custody before them on 7th December, that they might be delivered to those having right to them.<sup>1</sup> There is nothing to show how the matter ended.

Lord Elphinstone made his first appearance as a member of the parliament of Scotland, held at Edinburgh on 3rd September 1528.<sup>2</sup> It was this parliament which summoned Archibald, sixth Earl of Angus, and passed an act of forfeiture against him and the Douglases. Lord Elphinstone's name does not again appear in the sederunts of parliament until 1540.

On 3rd August 1528, with consent of his curators, Robert Callendar of Maner and Alexander Levingstoun of Terenteren, Lord Elphinstone, for love and favor, gave a charter to David Symmerwell, his brother-in-law, and his beloved sister, Elizabeth Elphinstone, spouse of the said David, and the survivor of them, without division, in conjunct fee, of a seventh part of a fourth part of the lands of Arthbeg, now called Elphinstone, in his barony of Elphinstone and shire of Stirling. The charter bears the signatures of Lord Elphinstone, "Alex<sup>r</sup>. Lord Elphystoun w<sup>t</sup> my h<sup>d</sup>," and also of his curators above named.<sup>3</sup>

Other transactions now fall to be noticed relating to troubles which Lord Elphinstone had in connection with his lands, tenants, and servants in the county of Aberdeen, and the settlement of these. Three years after

<sup>1</sup> Acts of the Parliaments of Scotland, vol. ii. p. 313.

<sup>2</sup> *Ibid.* p. 322.

<sup>3</sup> Original charter in Elphinstone charter-chest.

the last mentioned date, or on 3rd July 1531, Lord Elphinstone was at Aberdeen, where he entered into a contract with Alexander Forbes of the Brux. The contract is of the nature of a compromise, and settles an outstanding dispute between the parties to it, and the satisfaction which was to be given to his lordship. It narrates the considerations which moved Lord Elphinstone to agree to the compromise therein stated. These were that the laird of Brux consented never to intromit with the lands of Tuly-skynnich, Ballanaboth, the Mylntoun and mill of Ballintymoir, and the lands of Balnacrag and Balnaglak, pertaining in heritage to his lordship. Another consideration was that the laird had found caution and the following cautioners for observing the same, namely, Alexander Forbes of Tolleys, Walter Innes of Towchis, Mr. John Forbes of the Bernis, and Robert Forbes of the Echt, who became security, conjointly and severally, under the pain of 400 merks. The rents of these lands from 12th April 1525 until the Whitsunday preceding the date of the contract, amounted to £208. Lord Elphinstone agreed, on condition that the points of the compromise were observed, to accept of £104 in full payment, and acknowledged having already received £65, 14s. 10d. as part payment. It is also stipulated that the laird of Brux would not offer any impediment to his lordship setting any of the forenamed lands or any other of his lands, nor molest any of the tenants who should take the lands in assedation.<sup>1</sup>

On 1st April 1535 Lord Elphinstone gave a procuratory to Humphrey (Vufra) Rollok to appear before William Lord Ruthven, sheriff of Perth, in the Tolbooth of Perth on 6th April ensuing and other days, and there defend in all causes concerning his lordship that should be moved, and especially in the cause moved against him by Sir John Campbell of Lundy, knight, regarding an alleged wrongful uptaking of the duties of the lands of Little Fordell in the sheriffdom of Perth. Because he had no proper seal

<sup>1</sup> Extract contract of compromit from the Books of Council, in Elphinstone charter-chest. The extract contains the signature of Gavin Dunbar, bishop of Aberdeen, as clerk-register.

of his own present, he purchased the seal of a burghess of the burgh of Stirling and affixed it to the procuratory.<sup>1</sup>

Humphrey Rollok, who received the procuratory above recited from Lord Elphinstone, also received from his lordship an assedation and letters of bailiary at the same time, bestowing upon him the keeping of the Castle of Kildrummie and the office of bailiary of the lands and barony of Kildrummie with the mains and pendicles thereof for nine years from Whitsunday 1535. Previous to that date John Elphinstone had an assedation from Lord Elphinstone of the same offices. Upon receiving his appointment, Humphrey violently ejected John Elphinstone from the keepership and bailiary on 23rd June 1535. John thereupon sought legal redress, and the sheriff of Aberdeen, upon the case coming before him, ordained him to be restored to these offices. Humphrey now appears to have caused Lord Elphinstone to be summoned to answer in the matter. The officer of the sheriff delivered the summons in a very summary manner, merely producing what appeared to his lordship to be a sheet of white paper and saying, "You are summoned to appear before the sheriff of Aberdeen and his deputies on 8th June next." Lord Elphinstone required John Malcap, the officer in question, to furnish him with a copy of the summons and an inspection of the letters by which he was summoned. This was refused. His lordship then protested in presence of a notary for remedy at law.<sup>2</sup> Lord Elphinstone did not put in appearance at the court, and the sheriff decided against him in his absence. The case being carried to the privy council, parties were summoned to appear before the king and council, on the last day of March 1539, and to produce "the pretended proces and rolment of court." Upon the case coming before the council, they reversed the decision of the sheriff requiring John Elphinstone to be restored, upon the

<sup>1</sup> Original procuratory with seal affixed, in the Elphinstone charter-chest.

<sup>2</sup> Original notarial instrument done in the Collegiate Church of St. Giles, Edinburgh, dated 23rd May 1538, *ibid.*

technical ground that at the trial only twelve persons had sat on the inquest, the law and practice being that all inquests ought to have an odd number.<sup>1</sup>

The marriage of Euphemia Elphinstone, sister of Lord Elphinstone, with John Bruce of Cultmalindie, took place about this time, and the marriage contract was entered into by Lord Elphinstone on the one part and John Bruce of Copmalinde on the other. In the contract, which is dated at Elphinstone, 13th April 1540, it was agreed that the latter should marry Euphemia Elphinstone, sister to his lordship, in face of holy church, in all goodly haste, for which Lord Elphinstone should pay him as tocher 400 merks at specified terms. John Bruce was to infest Euphemia in the less half of the whole lands of Copmalinde, with the half mill and pertinents, holding of him and his heirs heritably. If Euphemia obtained the consent of Lord Roweuns (Ruthven), who was lord of the lands, John Bruce was to infest her and the heirs of their bodies in the whole lands of Copmalinde with the mill and pertinents by charter and sasine. Because parties stood in the fourth and third degrees of affinity to one another, which was an impediment to the marriage, John Bruce was to purchase a dispensation.<sup>2</sup>

Lord Elphinstone attended the parliaments which met at Edinburgh on 10th December 1540,<sup>3</sup> and again on 14th March 1540-1.<sup>4</sup> He was also again in parliament on 28th June 1545.<sup>5</sup> His name also appears on the sederunt of the privy council, which was convened on 30th June 1545.<sup>6</sup>

On 20th April 1545 his lordship entered into an agreement with Mr. Diones Chalmer, by which the latter undertook to resign the sixteen oxengang of lands of the easter part of Easter Feddalis, and to infest

<sup>1</sup> Original summons, dated at Edinburgh 12th February, 26th year of king's reign [1538-9], in Elphinstone charter-chest. Conf. Antiquities of the shires of Aberdeen and Banff (Spalding Club), vol. iv. pp. 231-2. The decret of the council printed by the Spalding Club is dated (21st March 1538-9). This is apparently a mistake for 31st March,

or else the date of cause had been altered to the 21st of March.

<sup>2</sup> Extract contract of marriage, in Elphinstone charter-chest.

<sup>3</sup> Acts of the Parliaments of Scotland, vol. ii. p. 356<sup>a</sup>.

<sup>4</sup> *Ibid.* p. 368b.

<sup>5</sup> *Ibid.* p. 595b.

<sup>6</sup> Register of the Privy Council, vol. i. p. 9.

him therein. Lord Elphinstone agreed to bear the expense of the evidents, which was to amount to forty shillings; to pay to Diones Chalmer within the abbey of Lindores, upon "fitting" Friday, when the infeftment was to be made, 300 merks, and to respect the tacks of the tenants at the time on the lands. The contract is subscribed by both parties. A charter of the lands, in pursuance of the contract, dated 21st May 1545, was, two days later, confirmed by John, abbot of Lindores, with advice of his convent.<sup>1</sup>

The marriage of Robert Elphinstone, his son and heir, next occupied the attention of Lord Elphinstone. He gave a charter by which, in contemplation of marriage in face of the church, he granted to Margaret Drummond, daughter of John Drummond of Innerpefferay and Margaret Stewart, Lady Gordon, his spouse, in liferent, and to Robert, his son, heritably, the lands of Corgarf, Secllater, and others. The charter, which was dated at Stirling 3rd September 1546,<sup>2</sup> was followed by a precept of sasine, dated 4th September, same year.<sup>3</sup> Two days later a charter of confirmation was given by Queen Mary.<sup>4</sup>

During 1546, the year before his death, Lord Elphinstone frequently attended parliament and the privy council. He sat in the former on 30th July, 4th and 14th August;<sup>5</sup> and he was present in the latter on 2nd June, 30th and 31st July, and 19th December.<sup>6</sup>

We have now arrived at the close of Lord Elphinstone's life, and it only remains that a description should be given of the disastrous battle of Pinkie, where his lordship fell in defending his country from the invader.

The relations between Scotland and England did not improve after

<sup>1</sup> Original contract and sasine, dated 23rd May 1545, in Elphinstone charter-chest. Charter and confirmation in Inventory of Writs of Feddalis [*ibid.*].

<sup>2</sup> Register of the Great Seal, vol. iv. No. 2.

<sup>3</sup> Original precept in Elphinstone charter-chest.

<sup>4</sup> Register of the Great Seal, vol. iv. No. 2.

<sup>5</sup> Acts of the Parliaments of Scotland, vol. ii. pp. 467<sup>a</sup>, 468<sup>b</sup>, 471<sup>a</sup>.

<sup>6</sup> Register of the Privy Council, vol. i. pp. 23, 31, 33, 57.

Flodden. When King James the Fifth died on 13th December 1542 he was succeeded by the infant Queen Mary. It became a great object with King Henry the Eighth to marry his son Prince Edward, afterwards King Edward the Sixth, to Queen Mary, with a view to the union of the two kingdoms. Failing to bring about his cherished desire in his lifetime, he at his death, which took place on 28th January 1547, bequeathed it by an expressed wish to his successor to accomplish. On his succession to the English throne on the death of his father, King Edward the Sixth was still in his minority, and the reins of government fell into the hands of the Earl of Hertford, who became Duke of Somerset and Protector of England. He zealously entered into the project of a marriage alliance between the two sovereigns, and determined to succeed with it, if not by peaceful means, by force. Ascertaining that the alliance was not favoured by the Scots, he marched an army, numbering upwards of 14,000 foot and 2000 horse, towards Scotland, and arrived at Newcastle on 27th August 1547. The regent Arran at once took steps to repel the English if they entered Scotland. He sent the fiery cross into every part of Scotland, and by this means assembled an army of 36,000 men near Musselburgh. Lord Elphinstone joined the army. On 2nd September the English under Somerset crossed the Border and marched to East Linton. He informed the Queen Dowager and council of Scotland that "his invasion of Scotland is only to bring to good effect the godly purpose of the marriage between Edward Sixth and Queen Mary;" he pointed out the advantages of the match, and told them that "in case they do not yield to the Protector's amicable proceedings, he will accomplish his purpose by force."<sup>1</sup>

The English army marched from East Linton to Prestonpans, where the two armies were encamped within view of each other. The position of the Scots was too strong to be assailed. Somerset therefore waited to be attacked. The Scots, being impatient and impetuous, gave up their advantage of a

<sup>1</sup> Calendar of State Papers, vol. i. p. 66, No. 53.

safe position and charged the English. A conflict followed, in which there was fearful carnage. The battle proved disastrous to the Scots, who were defeated. Lord Elphinstone and Robert, Master of Erskine, his brother-in-law, were of the 14,000 who were left dead on the field at Pinkie. The battle was a second Flodden to Scotland as well as to the family of Elphinstone. On each occasion the latter lost their chief, and the chief left young children to be provided for by tender friends.

By his marriage with Catherine, Lady Elphinstone, Alexander, second Lord Elphinstone, had six sons and five daughters.

1. Robert Elphinstone, "thair eldest sone and aire,"<sup>1</sup> who succeeded him, of whom a memoir follows.
2. John Elphinstone, the second son, was born 4th June 1536. He received an ecclesiastical appointment when only an infant, according to a custom then prevalent. In 1538 his name appears to an instrument which is said to be done in the presence of "Magistro Johanne Elphinstoun, rectore de Inuernochty."<sup>2</sup> In 1547 he subscribes his name, as a witness, to a writ admitting John Watson as a canon, "Johannes Elphinston a Invernochty."<sup>3</sup> He is known during the remainder of his life as the rector or parson of Invernochty. He is a witness to charters in 1552 as well as to later charters, where he is described as rector of Invernochty.<sup>4</sup> He and David, prior of Monymusk, and Mr. Duncan Forbes, "fermorar" of Monymusk, submitted to lords componitors, at the justice-eyre of Aberdeen, certain differences between them, having reference to the temporalities of the respective benefices of the prior and the parson. The subject ultimately came before the lords of council and session on a question between the prior and Elphinstone. Their decision, which is dated 11th July 1554, was in favour of the former as against the latter.<sup>5</sup> In an incomplete and undated tack, in which he designs himself parson of Innernochty, John Elphinstone grants, c. 1560, on lease to John Forbes of Brux, the teind sheaves of the vicarage within the parish of Innernochty, including the

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> Antiquities of Aberdeen and Banff (Spalding Club), vol. iii. p. 497.

<sup>3</sup> Registrum Aberdonensis, vol. ii. p. 319.

<sup>4</sup> Register of the Great Seal, vol. iv. Nos. 761, 762, etc.

<sup>5</sup> Antiquities of Aberdeen and Banff, vol. iv. pp. 778-779.

teind sheaves of Ord and pendicles, for £4 Scots, Glenkarne, for £16 and one stone of butter, the vicarage of Innernochty for £40, less five merks to the grantee for the fruits of the town of New, which the granter reserves to himself, and others. The vicar of Innernochty's fee to be paid yearly to the vicar, and ten merks for the staller's fee in the cathedral kirk of Old Aberdeen, and 28s. for the bishop's procurations and dean's rural expenses in time of visitation. The above sums to be paid to the granter within the canony of Old Aberdeen at the feast of Bertill day.<sup>1</sup> John Elphinstone was one of the curators of Patrick Drummond, eldest son and heir-apparent of Robert Drummond of Carnok, knight, in 1571.<sup>2</sup> At this time he appears to have had authority to intromit with the estate of Robert, third Lord Elphinstone. The Regent Mar instituted an inquiry into these intromissions with a view to a formal discharge being granted by Lord Elphinstone for them.<sup>3</sup> In 1573-4 he was put to the horn for non-payment of the thirds of his parsonage. But upon his application to the General Assembly, and from them to the Regent Morton, he was relaxed.<sup>4</sup> As parson of Invernochty, Mr. John Elphinstone, with consent of Robert, Lord Elphinstone, as patron of the parsonage, and of the dean and chapter of Aberdeen, gave to his beloved Alexander, Master of Elphinstone, a lease of the teind sheaves, etc., of the parsonage and vicarage of Innernochty, in the diocese and shire of Aberdeen, for the lifetime of the granter, and after his decease, for nineteen years, immediately following the day of his death. The master was to pay therefor £100 yearly. The tack, which is dated at Stirling and Aberdeen respectively on 18th February and 11th March 1578, contains the signatures "Robert Lord Elphinston," and "Mr. Jhone Elphynston, parsoñ off Innochy." John Elphinstone of Seluis is one of the witnesses.<sup>5</sup> The seals of Lord Elphinstone and the parson are appended. The one is entire but too indistinct to be deciphered. Only a fragment of the other remains. Mr. John Elphinstone is designed "faderbrother" to Alexander, Master of Elphinstone, in a contract between them dated 18th February 1578.<sup>6</sup> In another lease, dated 1580, in which the place, day, and month of subscription are omitted, and which is stated to be with consent of the dean, canony, and chapter of the cathedral kirk of Aberdeen, Mr. John

<sup>1</sup> Original tack in Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. iv. No. 1973.

<sup>3</sup> Register of the Privy Council, vol. ii. p. 123.

<sup>4</sup> *Ibid.* pp. 346-347.

<sup>5</sup> Original tack in Elphinstone charter-chest.

<sup>6</sup> Original contract, *ibid.*

Elphinstone gives his "tendir cousing," Alexander, Master of Elphinstone, in addition to the subjects formerly stated, the manse, house, and yards, belonging to the parsonage in the canony of Aberdeen, with croft of the same. The lease extended for nineteen years from the date of entry. It is subscribed "M. Jhone Elphynston pson off Inphnothy."<sup>1</sup> On 26th September and 8th October 1581, Mr. John Elphinstone, parson of Innernochty, with consent of Robert, Lord Elphinstone, patron thereof, and Alexander, Master of Elphinstone, gave to Mr. George Barclay, burgess of Aberdeen, and Marion Chene, his spouse, a charter of his land and lodging, with houses and buildings thereof.<sup>2</sup> He was canon of Aberdeen, prebendary of Invernochty,<sup>3</sup> and coadjutor of David, prior of Monymusk.<sup>4</sup> He was married to "Agnes Bruce, sister to the laird of Clackmanan, and with him begatt children."<sup>5</sup> His eldest son and heir was Michael. He had also a son George, and a daughter Mary. The latter was executrix of her father, and her brother Michael was cautioner for her.<sup>6</sup> He died at Stirling in August 1616, and was buried in the church there on 22nd August of that year.<sup>7</sup>

3. James Elphinstone, the third son, was born 12th July 1538.<sup>8</sup> He is designed of Inverdovat in 1595, when John Martine, burgess of Edinburgh, and three others are ordained to find caution for 500 merks each not to harm James Elphinstone of Inverdivett.<sup>9</sup> On 12th November 1599, he received from King James the Sixth, for service rendered to him from his cradle, and for sums of money paid, de novo, as his domestic servitor, the lands of Inverdovat and Plewlands, with manor place, and others in the baronies of Newtoun and Naughton, in the shire of Fife, resigned by Andrew Lessillis of Inverdovat.<sup>10</sup> He married Agnes Ramsay, sister to Ramsay of Clettie, and had one son, Frederick Elphinstone, who was his heir in Inverdovat.<sup>11</sup> On 18th April 1615 James Elphinstone was served heir to his father, Frederick Elphinstone, in the lands of Inverdovat and Plewlands, with fishings and the sea mylne.<sup>12</sup> Inverdovat came into the possession of the

<sup>1</sup> Original in Elphinstone charter-chest.

<sup>2</sup> Register of Great Seal, vol. v. No. 881.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* No. 1267.

<sup>5</sup> Birthday Book in Elphinstone charter-chest.

<sup>6</sup> Papers, *ibid.*; also Testament, 19th October 1616. [Commissariot of Stirling, vol. ii.]

<sup>7</sup> Registrar's certificate of burial, in Elphinstone charter-chest.

<sup>8</sup> Birthday Book, *ibid.*

<sup>9</sup> Register of the Privy Council, vol. v. p. 653.

<sup>10</sup> Register of Great Seal, vol. vi. No. 971.

<sup>11</sup> Birthday Book in Elphinstone charter-chest.

<sup>12</sup> Index of Retours.

family of Hamilton of Muirhouse through marriage with the Elphinstones of Inverdoat, the male representation of which apparently became extinct. On 24th May 1664 William Hamilton of Muirhouse, eldest son of John Hamilton of Muirhouse, was served heir of entail and provision of James Elphinstone of Inverdoat, his uncle, in Inverdoat and Plewlands, etc.<sup>1</sup> The estate of Inverdoat, owned by the Elphinstones, is now in the possession of Mr. William Berry of Tayfield.

4. Alexander Elphinstone, the fourth son, born 19th January 1539.<sup>2</sup> Robert, Lord Elphinstone, having sold to him his eight-merk lands of Pittendreich, Alexander granted him a reversion thereupon, dated at Elphinstone 28th August 1564. The reversion, in which he is designed brother german to Robert, Lord Elphinstone, is signed "Alex<sup>r</sup> Elphinstoun v<sup>t</sup> my hand."<sup>3</sup> On 19th October 1579 he granted a renunciation in favour of Alexander, Master of Elphinstone, of the annual rent of certain bolls of victual.<sup>4</sup> He witnessed a charter in 1581.<sup>5</sup> He died at Elphinstone, unmarried.<sup>6</sup>
5. Sir Michael Elphinstone, the fifth son, was born 28th September 1544.<sup>7</sup> He witnessed a charter in 1577.<sup>8</sup> He received charters of Kettymuir in Lanarkshire in 1579-80,<sup>9</sup> Hillintoun and Archillistoun in Renfrewshire in 1581.<sup>10</sup> He became one of the masters of the household to King James the Sixth. He is described as servitor to William, commendator of Paisley, in 1581.<sup>11</sup> He received, in 1583, a lease from David, commendator of Inchmahome, of the teind sheaves of the lands of Gartincaber, and others, in Perthshire, who describes him as his "wellbelouit cousing."<sup>12</sup> In 1584 a summons of treason was issued against Michael, and others, for being concerned in the raid of Ruthven. By command of the king the summons was departed from.<sup>13</sup> He was in 1594 and 1597 excepted from Acts of Parliament annulling pensions.<sup>14</sup> He witnessed a contract between King James the Sixth, the Duke of Lennox, and the Earl of Eglinton, for the

<sup>1</sup> Index of Retours.

<sup>2</sup> Birthday Book in Elphinstone charter-chest.

<sup>3</sup> Original Reversion, *ibid.*

<sup>4</sup> Original Renunciation, *ibid.*

<sup>5</sup> Register of Great Seal, vol. v. No. 881.

<sup>6</sup> Birthday Book in Elphinstone charter-chest.

<sup>7</sup> *Ibid.*

<sup>8</sup> Registrum Episcopatus Brechinensis, vol. ii. p. 214.

<sup>9</sup> Register of Great Seal, vol. iv. No. 2990.

<sup>10</sup> *Ibid.* vol. v. No. 302.

<sup>11</sup> *Ibid.* No. 471.

<sup>12</sup> The Red Book of Menteith, vol. i. p. 545; ii. pp. 365-7.

<sup>13</sup> Acts of the Parliaments of Scotland, vol. iii. pp. 332<sup>a</sup>, 334<sup>b</sup>.

<sup>14</sup> *Ibid.* vol. iv. p. 94.

marriage of the earl and Gabriela Steuart, sister of the duke, dated 10th and 13th April 1598.<sup>1</sup> He had a pension assigned to him as one of the masters of the king's household of five hundred merks Scots.<sup>2</sup> He was admitted a privy councillor on 9th October 1604 in terms of a warrant from the king.<sup>3</sup> In company with John, archbishop of Glasgow, he took the oath of allegiance on 18th June 1607.<sup>4</sup> He received in 1618 one thousand pounds for services rendered to the king on the occasion of his visit to Scotland.<sup>5</sup> He died unmarried in the Canongate of Edinburgh on 14th February 1625. In his latter will, dated at the Cannogait, 21st December 1624, he directs, "And my corps to be bureit in the kirke of Airthe, within my lord Elphingstoun his ayll, besyde vmquhyle Robert, lord Elphingstoun, my eldest brother." To be buried with all solemnities as became a knight and befitting his place as one of his Majesty's masters of household, by advice of the honourable friends of whom he was descended, John, Earl of Mar, and Alexander, Lord Elphingstoun, "my chieff." He constitutes Mr. Michael Elphingstoun, his "oy," his only executor. But Harie Elphinstone, his brother's son, was appointed executor *ad omissa* by the commissaries of Edinburgh. Mr. Michael Elphinstone was probably the son of Alexander, fourth Lord Elphinstone.<sup>6</sup>

6. William Elphinstone, the sixth son, twin with Michael, was born 28th September 1544.<sup>7</sup> He is a witness to a writ, dated at Kirkwall, 6th October 1573.<sup>8</sup> In 1576, by which time he was sheriff-depute of Orkney, he is referred to in an obligation by John Levingstoun, younger of Donypace.<sup>9</sup> He was, in May 1584, charged, with other guilty or suspected persons, to appear before the council when warned, and the following month he was warded in Aberdeenshire. In August he was included with his brother Michael in a summons of treason, which was, however, passed from.<sup>10</sup> He was excepted from an Act of Parliament annulling pensions in 1594 and

<sup>1</sup> The Memorials of the Montgomeries, Earls of Eglinton, vol. ii. p. 238.

<sup>2</sup> Register of Privy Council, vol. ix. p. 609.

<sup>3</sup> *Ibid.* vol. vii. p. 738. In his Introduction to the Register of the Privy Council (vol. vii. p. xx.), Professor Masson confuses this Sir Michael Elphinstone with Michael Elphinstone, ninth son of Alexander, fourth Lord Elphinstone, who had no knightly distinction.

<sup>4</sup> Register of the Privy Council, vol. vii. pp. 392-3.

<sup>5</sup> *Ibid.* vol. xi. p. 387.

<sup>6</sup> Testament, 30th July 1625, Commissariat of Edinburgh Testaments, vol. 53. Birthday Book in Elphinstone charter-chest.

<sup>7</sup> *Ibid.*

<sup>8</sup> Register of the Privy Council, vol. ii. p. 415.

<sup>9</sup> *Ibid.* p. 576.

<sup>10</sup> *Ibid.* vol. iii. pp. 664, 672; Acts of the Parliaments of Scotland, vol. iii. pp. 332-334.

1597.<sup>1</sup> He received a charter from Robert, Earl of Orkney, of the lands of Trosnes, in the Isle of Sanday and shire of (Orkney). The charter was dated at the Canongate, 7th April 1589, and was confirmed by the king on 30th May 1602.<sup>2</sup> He was married to Janet Henderson, daughter of James Henderson of Fordell.<sup>3</sup> On 13th May 1594, William Elphinstone and Janet Henderson, his spouse, granted a discharge to Sir Alexander Bruce of Airth, knight, for two thousand merks paid to them for redemption of an annual rent of two hundred merks out of the lands of Caldecoittis and others. The discharge contains the signatures of both William and Janet.<sup>4</sup> William Elphinstone had three sons, William, Michael, and Harie. On Michael and Henry King James the Sixth in 1609 bestowed the liferent of the unassigned thirds of benefices within the bounds of Orkney, which had been given to their father in consideration of the good, true, and thankful services done by him to the king as his domestic servitor. The pension was to begin with the crop and year 1602.<sup>5</sup> In 1637 Henry Elphinstone, the son of William, presented a petition to King Charles the First, in which he stated that twenty-three years previously King James the Sixth had transferred the pension to the see of Orkney, and the petitioner was thereby prejudiced by the loss of one thousand pounds a year. The king referred the petition to the treasurer of Scotland to examine into it. The note of reference on the petition, which is dated at Greenwich, 3rd July 1637, is signed by Sir William Alexander, Earl of Stirling, secretary of state.<sup>6</sup> William Elphinstone died on 26th July 1602. His widow married, secondly, Thomas Livingstone of Hanyng in 1603. William was ancestor of the Elphinstones of Calderhall. Henry Elphinstone is styled of Calderhall in 1634.<sup>7</sup> His son was Sir Thomas Elphinstone of Calderhall. His grandson Richard married the heiress of Airth and purchased the barony of Elphinstone.

The five daughters of the second Lord Elphinstone:—

1. Margaret Elphinstone, born 14th February 1528. She was married to John Livingston of Dunipace, and had issue.<sup>8</sup>

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iv. pp. 94, 157.

<sup>2</sup> Register of the Great Seal, vol. vi. No. 1312.

<sup>3</sup> Birthday Book in Elphinstone charter-chest.

<sup>4</sup> Original Discharge, *ibid.*

<sup>5</sup> Acts of the Parliaments of Scotland, vol. iv. p. 455.

<sup>6</sup> Original petition and reference in Elphinstone charter-chest.

<sup>7</sup> Register of Baptisms, Edinburgh.

<sup>8</sup> Birthday Book in Elphinstone charter-chest.

2. Isobel Elphinstone, born 13th May 1532. She married James Hamilton of Hags, and had issue.<sup>1</sup>
3. Marjory Elphinstone, born 6th February 1533. She married Robert Drummond of Carnock.<sup>2</sup> Marjory, and Robert her husband, were infeft in the lands of Bannockburn on 21st January 1562, on a charter by Robert, Lord Elphinstone, dated 22nd December same year. This charter was confirmed by Queen Mary by charter under the great seal, 7th January 1562. Alexander, Master of Elphinstone, and Michael and William Elphinstone, his brethren, confirmed the first-mentioned charter by ratification, dated 5th March 1585, and registered in the books of session, 6th July 1586.<sup>3</sup> By their marriage they had issue.<sup>4</sup>
4. Janet Elphinstone was born 16th March 1534. She married Robert Leslie of Rosmarkie, and first laird of Findrassie, and had issue, three sons and two daughters.<sup>5</sup>
5. Elizabeth Elphinstone was born 27th June 1537. She died at Stirling, unmarried.<sup>6</sup>

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> Bannockburn Titles, apud Hugh J. Rollo, W.S.

<sup>4</sup> Birthday Book in Elphinstone charter-chest.

<sup>5</sup> *Ibid.* Historical Records of the Family of Leslie, vol. ii. pp. 160, 161.

<sup>6</sup> Birthday Book in Elphinstone charter-chest.

## XIII.—ROBERT, THIRD LORD ELPHINSTONE.

MARGARET DRUMMOND (OF INNERPEFFRAY), HIS WIFE.

1547-1602.

Robert, Lord Elphinstone, eldest son of Alexander, second Lord Elphinstone, and Catherine Erskine, was born on 9th September 1530. When he was sixteen years of age he was contracted in marriage to Margaret Drummond, daughter of John Drummond of Innerpeffray. The parties to the contract, on the one side, were George, Earl of Huntly, Lord Gordon and Badenoch, Lieutenant of the North, and Chancellor of Scotland, Dame Margaret Stewart, Lady Gordon, his mother, John Drummond of Innerpeffray, her spouse, and Margaret Drummond, their daughter. Those on the other side were Alexander, Lord Elphinstone, Catherine Erskine, his spouse, and Robert Elphinstone, their son and apparent heir. The contract provided that Robert Elphinstone should marry Margaret Drummond with all goodly haste. Alexander, Lord Elphinstone, came under obligation to resign, in the hands of the queen, lands to the value of £80, out of the barony of Kildrummy, in Aberdeenshire, in favour of Robert and Margaret. These lands were Corgarf, Scellater, Innernety, Finlelosk, Boquhom, New, Colquhary, Innothy [Invernochty], Co[lqu]harne, Ballobeg, and mill thereof. His lordship also obliged himself to give to Robert, his son, the keeping of the castle, place, and mains of Kildrummy, and the bailliary of the barony of Kildrummy. The Earl of Huntly, Dame Margaret Stewart, and John Drummond, engaged to pay 2000 merks as tocher, John Drummond and James Stirling of Keir becoming cautioners for the payment of it. In addition to these provisions, Alexander, Lord Elphinstone, and Robert, his son, bound themselves to remove any impediments of divorce which should come up, obtain dispensations, and contract again. George,

Earl of Huntly, also bound himself to eject all the gentlemen inhabitants claiming interest in the above-mentioned lands and mill, except the husbandmen labouring the ground, to make the place of Kildrumny free, that Robert and his father might remain there, to cause the old marches to be observed, and to defend and "debait" Alexander and Robert in all actions and causes whatsoever against all within the realm. The latter also engaged themselves to take part with the earl against all persons, the queen and the authority of the realm excepted. The parties to the contract respectively, touching the holy evangels, swore to fulfil every point and part of it. The duplicate of the contract retained by Lord Elphinstone is subscribed "George, Erle of Huntly," "Jhone Drūmond of Inſpeffrey," and "Margaret Lady Gordon." The witnesses are James Gordon, protonotary and parson of Crieff, George Gordon of Scheves, Mr. John Elphinstone, parson of Innernochty, and others. The contract is dated at Stirling, 2nd September 1546.<sup>1</sup>

By way of implementing the obligations he came under in this contract, Lord Elphinstone gave a charter of the lands of Corgarf, Scellater, and others above named, to Margaret Drummond, in her virginity, in liferent, and to Robert, his son, heritably, and the heirs of their bodies, whom failing, to the nearest heir of the said Robert whomsoever. The witnesses to the charter are William, bishop of Dunblane, George, Earl of Huntly, Chancellor of Scotland, John, Earl of Athole, Alexander, Lord of Lovat, Alexander, elect of Caithness, and others.<sup>2</sup> The charter was followed by a precept of sasine,<sup>3</sup> the charter and precept being dated respectively 3rd and 4th September 1546. A charter under the great seal confirming the grant was given at St. Andrews two days later.<sup>4</sup> The marriage of Robert Elphinstone to Margaret Drummond took place on 2nd November 1549.<sup>5</sup>

<sup>1</sup> Original contract in Elphinstone charter-chest.

<sup>2</sup> Register of Great Seal, vol. iv. No. 2.

<sup>3</sup> Original precept in Elphinstone charter-chest.

<sup>4</sup> Register of Great Seal, vol. iv. No. 2. In the confirmation, the queen wills that, for the good service of the said Alexander, the gift shall be no breaking up of the said barony.

<sup>5</sup> Birthday Book in Elphinstone charter-

Upon the death of his father at Pinkie, on 10th September 1547, Robert Master of Elphinstone succeeded him as third Lord Elphinstone. At Monktonhall, a small village in the parish of Inveresk, on 8th September 1547, two days before the battle of Pinkie, a parliament was convoked by the Regent Arran, and the provision was made that the heirs of those who should be slain in battle should have their ward, non-entries, relief and marriage free, their minority being dispensed with without the payment of any teind penny.<sup>1</sup> Robert, Lord Elphinstone, by virtue of this Act, although still a minor, was held to be of lawful age, and was served heir to his father. After his service he received sasine of the lands and barony of Elphinstone, with various annexes, on 28th September 1548, on a precept from chancery by Mary, Queen of Scots.<sup>2</sup>

Lord Elphinstone had also, a few years later, a charter under the great seal from Queen Mary of the lands of Cragorth, with fishings in *lie cruve*, and *lie cobill*, on the water of Forth, in the shire of Stirling. These lands had belonged to the predecessors of Lord Elphinstone. But owing to the disorders prevalent in the country immediately after the battle of Flodden, on 9th September 1513, and to the fact that Alexander, second Lord Elphinstone, was then in his minority, the charter evidents relating to them were either destroyed or lost. On this account, Alexander, second Lord Elphinstone, sought no entry to the lands in his lifetime, but enjoyed them in virtue of the gift of their non-entry to him by King James the Fifth. It was in this way, as heir to his father, that Robert, Lord Elphinstone, up

chest. In his Genealogy of the House of Drummond, compiled in 1581, or fully thirty years after the marriage of Robert Elphinstone, William Drummond, afterwards first Viscount of Strathallan, says that Robert, third Lord Elphinstone, married Elizabeth Drummond, although in one instance he calls her Margaret. He also states that Margaret Drummond married Sir Matthew Campbell

of Loudon. There is some confusion in these statements. Margaret Drummond, as shown above, was married to Robert, Lord Elphinstone. It was Isobel Drummond who married Sir Matthew Campbell.

<sup>1</sup> Acts of the Parliaments of Scotland, vol. ii, p. 199.

<sup>2</sup> Original sasine in Elphinstone charter-chest.

to this time, enjoyed them. The queen now, by charter dated at Donypace, 15th January 1553-4, granted the lands and fishings of new to him and Margaret Drummond, his spouse, and the survivor of them, without division, in conjunct fee, and the lawful heirs of their bodies, whom failing, to the nearest heirs of Robert whomsoever.<sup>1</sup> He was retoured heir to his father in the town and burgh in barony of Kildrummy, in the earldom of Mar and sheriffdom of Aberdeen, on 5th June 1577.<sup>2</sup>

Lord Elphinstone received sasine from James Cunninghame, lord of the barony of Polmais-Cunninghame, of a fourth part of the lands of Erthbeg, now called Elphinstone, in the barony of Polmais and sheriffdom of Stirling. The sasine was given on the lands on 22nd November 1548, in presence of a venerable and discreet man, Mr. John Elphinstone, rector of Innernochty, Sir David Crystesoun, rector of Cambuslang, Humphrey Rollok in Culcukry, and others.<sup>3</sup>

He received a lease of the teind sheaves of the town of Elphinstone, and of the lands of the laird of Roselle, Fortune and Dunlop, of which lands his lordship was superior, and also the vicarage of the lands of Elphinstone and other lands just named, for nine years from the date of entry. He was to pay therefor after the rate of the profit of the teinds and vicarage which the laird of Arthe paid for his whole kirk of Arthe, so that the teinds were not to be raised, but the teind silver was to be modified by custom. Robert, commendator of Holyroodhouse, the granter of the lease, who was his cousin, calls him his "derrest eyme." The lease is dated the last of February 15[49-50]. One of the witnesses to it is Mr. John Elphestoun. The lease is subscribed "Robert, Cōmendato<sup>r</sup> of Halyrudhous."<sup>4</sup>

Being a minor, Robert, Lord Elphinstone, had curators who acted for him in business matters. Two of these are mentioned in a charter under the

<sup>1</sup> Register of Great Seal, vol. iv. No. 880.

<sup>2</sup> Office copy of retour in Elphinstone charter-chest.

<sup>3</sup> Original sasine, *ibid.*

<sup>4</sup> Original lease, *ibid.*

great seal, which he and Margaret Drummond, his spouse, received about this time. The charter is dated 27th July 1550, and was to them and the heirs of their bodies, whom failing, to the heirs whomsoever of Robert, of the lands of Corgarth, Skellater, Invernyte, Fynnelok, Boquham, New, Culquhary, Invernochy, Culquhony, Ballobeg with mill, Correhowlis, Pettynelie, Cukishill, Tulliskuiche, Glencoy, Torrebrek and Tullochill, Quyltis, Summeill, Argeith, in the lordship of Kildrummy and sheriffdom of Aberdeen. These lands Lord Elphinstone, with consent of Robert Drummond of Carnok, and James Kinros of Kippenros, his curators, personally resigned for the purpose of this regrant.<sup>1</sup>

Two years later, Lord Elphinstone made personal resignation of other lands, namely, the lands of Easter Rossy, with the dominical lands, towers, fortalice, etc., in the barony of Elphinstone by annexation, stewardry of Strathearn, and shire of Perth. He received a charter under the great seal of these lands to him and Margaret, his spouse, and the foregoing series of heirs. The charter is dated 25th March 1552.<sup>2</sup>

Lord Elphinstone had now reached his majority, and obtained a right to independent action. It might have been expected that his lordship would have hailed this freedom from the restraint of curators, which, for four years from the date of his succession, his minority had imposed upon him. He, however, entertained no such feeling. He was sensible that in his case such restraint had been a benefit to him and his estates, and he therefore without loss of time took steps to have it reimposed. Before doing this, however, he appeared personally before a notary and represented that having attained to the age of twenty-one years complete, he perceived that in his minority, by himself and his curators, he had in many things been injured and oppressed. For remedy of this, having the counsel of skilful men who were his friends, he revoked all things done by him or his curators in his minority to his hurt. He especially revoked a contract of bailiary and letters of chamberlainry of

<sup>1</sup> Register of Great Seal, vol. iv. No. 488.

<sup>2</sup> *Ibid.* No. 687.

the lands and lordship of Kildrummy, and letters of lease of the lands of Invernochty and Cullquhary made to his much-loved kinsman, Arthur Forbes. He also protested for remedy of law.<sup>1</sup> This step would seem to have given rise to trouble with Arthur Forbes, as will shortly be pointed out.

On 16th May 1553, he attended a meeting of the Privy Council, and in presence of the Queen, the Regent Arran, the Bishops of Glasgow, Dunblane, Orkney, Ross, the Earls of Glencairn and Cassillis, the Abbots of Dunfermline, Coupar and Culross, Lord Erskine, William Hamilton of Sanquhar, clerk of justiciary, and Robert Carnegie of Kinnaird, craved to have his affairs placed under such control as he named. He stated to the council that in his minority he had somewhat hurt his living and heritage by "reason of his youthheid," and that he might hurt the same more in time coming. He, consequently, desired that the council should interdict him from all alienations, selling and wadsetting of his lands and heritage, or setting of tacks long or short, or of any of his bailiaries, without the special consent of John, Lord Erskine, John Drummond of Innerpeffray, knight, Robert Drummond of Carnock, and James Hamilton of Haggis, or any two of them conjunctly. His request was complied with; and the lords ordained letters to be directed to make publication thereof at the market crosses of Stirling, Perth, Aberdeen, and other places needful by open proclamation.<sup>2</sup>

Letters of charge were issued by Queen Mary under her signet in terms of the council's interdiction, and on the same day. The Queen's signet was impressed on the paper, but is now nearly all removed. There is a note appended stating that the letters were produced and registered in the books of the sheriffs of Aberdeen 16th April 1585. On the back of the document the notaries' certificates of execution are written, intimating that proclama-

<sup>1</sup> Notarial Instrument, dated Stirling, 9th October 1551, in Elphinstone charter-chest.

<sup>2</sup> Certified Extract Interdiction, *ibid.* Register of Privy Council, vol. i. p. 140.

tion had been made, as ordained, at Stirling on the 17th, Perth on the 19th, and Aberdeen on the 23rd May 1553.<sup>1</sup>

Although Lord Elphinstone lived many years, he did not court a public life. He seldom appears as taking part in the affairs of the nation. Instances, however, do occur, in which he was induced to take a prominent part. James, Earl of Arran, now Duke of Chatelherault, found it advisable to demit his regency. The queen-dowager desired the office, and the nobility supported her claim. Thus forsaken, Arran yielded to terminate his administration of the government of the realm, when the queen-dowager succeeded to that office. Parliament acknowledged his services as regent, granted him a discharge of his intrusions with the money, jewels and other movables of the queen during his regency, and warranted him against any actions for his intrusions. The bond, dated 12th April 1554, in which this was done, is subscribed by the queen-dowager and members of the three estates, including Lord Elphinstone.<sup>2</sup>

In terms of a contract with James, fourth Earl of Morton, who was superior of the lands of Selmis, the Earl obliged himself to give sasine to Robert, Lord Elphinstone, of these lands. On 14th February 1555-6, the Earl granted a receipt to Robert Drummond of Carnock, who was acting for Lord Elphinstone, for 300 merks as part payment of 500 merks, the remaining 200 merks being to be paid when sasine was given of the lands.<sup>3</sup>

An obligation now to be noticed, besides showing the difficulties in which owners of landed estates were sometimes involved, brings out the leniency of Lord Elphinstone in his dealings with others. The obligation, which is dated 15th April 1556, is by Arthur Forbes of Balfour, and is granted to his lordship. It narrates that Forbes had been charged by the queen's letters of four forms to implement a contract made by him, as principal debtor,

<sup>1</sup> Original letters in Elphinstone charter-chest.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. p. 603.

<sup>3</sup> Original receipt subscribed "James Erl of Mortoun," in Elphinstone charter-chest.

in which John Forbes of Petsligo, John Calder of Aslowne, Mr. Duncan Forbes of Moninusk, and Alexander Forbes of Kynalde, were cautioners for him, to Robert, Lord Elphinstone, and Katherine Erskine, lady tercer of Elphinstone, dated 9th March, fourteenth year of reign, for the payment of certain money, victual, poultry, and customs. It narrates further, that Arthur Forbes had been charged by the same letters to desist from further coming to his lordship's lands and barony of Kildrummy, in the sherifffdom of Aberdeen, and holding courts there, and causing his lordship's tenants to answer thereto; and also to cease from molesting and troubling his lordship and his bailies. It will be remembered that Lord Elphinstone had made a contract of bailiary and letters of chamberlainry of the lands and lordship of Kildrummy with Arthur Forbes, which he subsequently revoked as made during his minority. Arthur Forbes appears to have held to the offices of bailie and chamberlain of Kildrummy notwithstanding the revocation made by his lordship, and hence the present difficulty. In consequence of the letters of four forms above mentioned, Arthur Forbes and John Forbes of Tolleis, and two other cautioners, bound themselves that the former should appear before the lords of council between the date of the obligation and 1st May following, and implement the terms of the letters so far as was still owing to his lordship and his mother, under a penalty of £1000 to be paid to the queen, and another £1000 to his lordship. This Arthur Forbes agreed to do, because, as he says, his lordship might have raised execution of both the letters of four forms upon him to the final end, and that he had in a friendly way continued the execution thereof to 1st May to his hurt. On the back of the obligation, which is subscribed by Arthur Forbes and his cautioners, George, Earl of Huntly, sheriff-principal of Aberdeen, at Aberdeen, 15th April 1556, stays the execution of the above letters till 2nd May 1556.<sup>1</sup>

Lord Elphinstone sat in the parliaments of 1558 and 1560.<sup>2</sup>

<sup>1</sup> Original obligation in Elphinstone charter-chest.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. ii. pp. 503, 525.

Along with Sir George Brown, chaplain of the chapel of Dene, in the barony of Kildrummy, Lord Elphinstone, as baron of that barony and as patron of the chapel, granted a charter of feu-farm to George Forbes of Tolleis, who was probably a son of John Forbes of Tolleis, one of the cautioners above mentioned, of the lands of Over Kilbatho and others. Robert Drummond of Carnock and William Forbes of Barnes are witnesses to the charter.<sup>1</sup>

On 23rd May 1563, Lord Elphinstone received from Marjory, his sister, spouse of Robert Drummond of Carnock, an instrument of renunciation of her conjunct fee of an annual rent of 80 merks Scots out of the lands of Bannockburn, in the barony of Arthbisset and shire of Stirling: Marjory also renounced a fourth part of the town and lands of Erthbeg, called Erthbeg, in the same barony.<sup>2</sup> On the same day his lordship received sasine of the fourth part of the town and lands of Erthbeg upon a precept by Robert Drummond of Carnock and Marjory Elphinstone his spouse. The precept is dated at Elphinstone, 22nd December 1562, and subscribed both by Robert and Marjory.<sup>3</sup>

As heir to his father, Lord Elphinstone, on 31st March 1564, had sasine given him, upon a precept by Queen Mary, of the lands of Pittendreich and barony of Elphinstone.<sup>4</sup>

A year later an event occurred which might have been followed with disagreeable consequences in disturbing the relations between Lord Elphinstone and his wife. On 4th May 1565, Alexander Drummond of Medhope was charged before the high court of justiciary with the theftuous destruction, stealing, intromitting, wasting, disposing and concealing from Lord Elphinstone, in December or thereby 1562, and monthly, yearly and continually since then, of his goods and money, extending to the sum of

<sup>1</sup> Antiquities of Aberdeen and Banff, vol. iv. p. 312.

<sup>2</sup> Original rsnunciation in Elphinstone charter-chest.

<sup>3</sup> Original precept and sasine, *ibid.*      <sup>4</sup> Original sasine, *ibid.*

£20,000. This is stated to have been occasioned through the improper relations between Drummond of Medhope and Margaret Drummond, Lady Elphinstone. No further particulars of this matter are known. The trial of Drummond of Medhope was continued. He dissented from the postponement of it, and craved justice conform to the queen's letter. He also took instruments that Lord Elphinstone had withdrawn the principal charges against him.<sup>1</sup> From this fact, and also from the other that his lordship became surety for his entry at the trial, it would appear that Lord Elphinstone did not believe his guilt. There is no evidence that the trial took place, or, if so, what was the result of it. But the whole case does not seem to have created any difference between Lord and Lady Elphinstone. The third son of this Lord and Lady Elphinstone was James Elphinstone, who was a very eminent scholar, lawyer and statesman. As a lawyer he became president of the court of session, and as a statesman he became secretary for Scotland. In that capacity he had the power of nominating the judges of the court of session. On a vacancy occurring among the judges, he recommended for appointment Sir Alexander Drummond of Medhope, who was a Drummond cousin of his mother. Some objection having been raised against the admission of Medhope on account of his religion, and also on account of his relationship, Lord Balmerino wrote to the king a letter, "protesting befor the greit God of heaven, that nather blood nor acquaintance, but knowledge of his ability and inclinaiouns to serve, and what neid your Majesty stands in heir of worthy ministris, did move me both to trayne him up for your service, and finding him capable to sute your preferment. So hooping in your Majesties accustomed favour that my affection to your service sall not be turned to my disgrace, and craving pardone of this boldness, I wish your most sacred Majesty, after a long and prosperous raygne, eternell felicity."<sup>2</sup>

As one of the results of Queen Mary's escape from Lochleven Castle,

<sup>1</sup> Pitcairn's Criminal Trials, vol. i. p. \*465.

<sup>2</sup> Senators of the College of Justice, p. 248.

and the battle of Langside which followed it, the privy council, presided over by the Regent Murray on 24th May 1568, ordained many castles and houses to be delivered to those appointed to receive them. Lord Elphinstone was in this way ordained to deliver the tower and fortalice of Elphinstone.<sup>1</sup>

In 1571 Lord Elphinstone was, so soon as the Regent Mar succeeded to the Regent Murray in the administration of the country, appointed to find caution that he would deliver his house and castle of Kildrummy when required.<sup>2</sup>

About the year 1577 he divested himself of his whole estates in favour of his eldest son Alexander, Master of Elphinstone. A later arrangement, however, was made of the estates in 1601. On 24th March of that year, resignation was made by Michael Elphinstone in name of Robert, Lord Elphinstone, Alexander, Master of Elphinstone, his eldest son and heir-apparent, and Alexander Elphinstone, son and heir-apparent of Alexander, Master of Elphinstone, of the lands and barony of Elphinstone, castle and others, Halls of Erth, Polknaif, Powfoulis, a fourth part of Airthbeg, Bannockburn, the patronage of St. Ninians, and many other lands, in the hands of the king. Resignation was also made of the lands and barony of Kildrummy, with castle and town, and burgh of barony of Kildrummy. The king accepted the resignation and granted a charter of the barony of Elphinstone in liferent to Robert, Lord Elphinstone, and to Alexander, Master of Elphinstone, in fee, and the lawful heirs-male of his body. In the same charter the king granted the lands and barony of Kildrummy, etc., to Alexander, Master of Elphinstone, in frank-tenement, and Alexander Elphinstone, his son and heir-apparent, in fee and heritage. The two baronies were also separately erected *de novo*.<sup>3</sup>

Robert, Lord Elphinstone, became very feeble in health in his later years. On 10th May 1602, he was unable to subscribe a family deed, and two notaries had to do that for him. He died within eight days thereafter on 18th May.<sup>4</sup>

<sup>1</sup> Register of the Privy Council, vol. i. pp. 625-6.

<sup>2</sup> *Ibid.* vol. ii. p. 123.

<sup>3</sup> Decree of Registration, 27th March 1621, in Elphinstone charter-chest; also Charter under the Great Seal, dated 26th March 1601, Register of the Great Seal, vol. vi. No. 1162.

<sup>4</sup> Elphinstone writs, in Elphinstone charter-chest.

The children of Robert, third Lord Elphinstone, and Margaret Drummond, were six sons and four daughters.

1. Alexander, fourth Lord Elphinstone, of whom a memoir follows.
2. Sir John Elphinstone, knight, of Selms and Baberton, or Kiltaberton, gentleman in the household of Queen Anne, of whom a notice will be subsequently given.
3. James Elphinstone. He was ancestor of the Elphinstones LORDS BALMERINO and the Elphinstones LORDS COUPAR.
4. "John Elphinstoun, younger, wes borne the xiiij of July 1558, and died in Ingland vnmarried."<sup>1</sup>
5. "William Elphinstoun wes borne the 27 of Aprill 1563, and died in Naples 1588."<sup>2</sup>
6. "George Elphinstoun wes borne the 3 of January 1565, and became ane Jesuit."<sup>3</sup> In his Genealogy of the House of Drummond, compiled in 1681, William Drummond, afterwards first Viscount of Strathallan, states that Mr. George Elphinstone was rector of the Scots College at Rome.<sup>4</sup> In the Appendix No. 1 to that work which contains "Historie of the Familie of Perth," William Drummond of Hawthornden, the celebrated poet, who writes that Historie, says Mr. George Elphinstone was rector of "the Scots Colledge of Dowie."<sup>5</sup> He may have held the appointment of rector at each of these places.

The four daughters of Robert, third Lord Elphinstone:—

1. Janet Elphinstone was born the 25th of May 1556. She married Patrick Barclay, laird of Tollie Barclay, and had children.<sup>6</sup> A letter of Barclay's to Alexander, Master of Elphinstone, his brother-in-law, regarding his sister, who he says is to be put to the horn, which is preserved in the Elphinstone charter-chest, may not be inappropriate here. It is as follows:—

"It will pleis your lordschip, I am soirly informit that James Innes off Minnein, throch malis and ewill will, is to denwns my soster, the Lady Ennermarke, to the horn, be quhais instigation I knaw nocht, only off intention to wrak hir be hir escheit, and hir fatherles bairnis. To prewein the warst I heff thoct gowid to adwertis your lordschip heiroff, that hir escheit be nocht delt to no onfreind. Quharfor will pray your lordschip most effectiwsly nocht to be suddan in disponing that escheit, for incas the gowdman off Minnein be wilfow, and caws registrat hir horn-ing, I sall caws my son do als meikill for it as ony man; and I will esteme my

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Genealogy, etc., p. 151.

<sup>5</sup> *Ibid.* p. 246.

<sup>6</sup> Birthday Book in Elphinstone charter-chest.

self mor obleist to your lordschip nor it war my awin propir escheit. I may nocht suffer hir to be so owirloppin, and giff my moyen be nocht als gryt at your lordschipis handis as his or ony will assist him, I am far dissappointit. I heff fownd your lordschip so favorabil in all my adois that with the rest I mon [be] boundeing your lordschip in this particular, becaus it towichis me so neir. So seising to trowbill your lordschip with langer letter to new occasion, my hartly commendations being remembert, committis your lordschip to Goddis protection. From Tolly, the 25 of Agust, be youris lordschipis louing brother to be commandit,

TOLLY.

“To my werray goud lord and brother, my Lord Thressorar.”

Patrick Barclay of Tolly died before 21st January 1620.<sup>1</sup>

2. Agnes Elphinstone was born on 3rd October 1559.<sup>2</sup> She married Walter Ogilvie of Finlator, who was knighted and became first Lord Ogilvie of Deskford. They had an only daughter Christian, who married Sir John Forbes of Pitsligo. Agnes Elphinstone died previous to 1594, as sometime before that date Walter Ogilvie had married, secondly, Lady Mary Douglas, daughter of William, Earl of Mortoun, and in that year he and Lady Mary his wife had a charter of the Mains of Pettmedden.<sup>3</sup>
3. Elizabeth Elphinstone was born 1st August 1561.<sup>4</sup> She married Robert Innes of that ilk on 1st November 1582.<sup>5</sup> In the marriage contract, Alexander, Master of Elphinstone, engaged for his sister, and Elizabeth Forbes, lady of Cromy, for her son-in-law. The tocher given was 5000 merks. The contract is dated, Straboge, 17th October 1582. The marriage of Robert Innes had been disposed to Lady Cromy, by John Elphinstone, parson of Innernochy, who had the gift of it.<sup>6</sup> On 18th November 1592, Alexander, Master of Elphinstone, made a contract with Robert Innes of that ilk, with consent of Elizabeth Elphinstone, his spouse, about lands in Aberchirder.<sup>7</sup> Duncan Forbes, the historian of the family of Innes, makes the surmise that “perhaps his [Robert’s] southern marriage had some effect upon the fierce manners of his country.” Robert Innes died on 25th September 1596; and his wife, Elizabeth Elphinstone, who survived him, died 26th February 1613.<sup>8</sup> They had issue.
4. Margaret Elphinstone was born on 30th December 1568.<sup>9</sup> She married John Cuninghame of Drumquhassell on 31st December 1587.<sup>10</sup> The

<sup>1</sup> Register of Privy Council, vol. xii. p. 183.

<sup>2</sup> Birthday Book in Elphinstone charter-chest.

<sup>3</sup> Register of Great Seal, vol. vi. No. 332.

<sup>4</sup> Birthday Book in Elphinstone charter-chest.

<sup>5</sup> *Ibid.*

<sup>6</sup> Discharges of tocher in Elphinstone charter-chest.

<sup>7</sup> The Familie of Innes, pp. 157, 158.

<sup>8</sup> *Ibid.* p. 164.

<sup>9</sup> Birthday Book in Elphinstone charter-chest.

<sup>10</sup> *Ibid.*

contract for the marriage was made at Kildrummie Castle, 14th September 1587. The tocher was fixed at 5000 merks.<sup>1</sup> John Cuninghame was deceased in 1605, for on 16th May of that year, James Fogi, servitor to Alexander, Lord Elphinstone, as procurator for him and Margaret Elphinstone, Lady Drumquhassell, gave in to the council a copy of letters raised by James Cuninghame of Glengarnok, charging them to appear on 16th May to hear themselves decerned to deliver to Cuninghame the place of Craggyverne.<sup>2</sup> Sir John Drummond of Bordland, at Muthill, on 27th March 1605, became bound for James Cuninghame of Glengarnok, in £5000, not to harm John Cuninghame of Drumquhassell, or Margaret Elphinstone his mother; and on 19th April same year, James Abercromby, fiar of Kersie, became bound for John Cuninghame and his mother not to harm Glengarnok.<sup>3</sup> She survived till 15th June 1615.<sup>4</sup>

<sup>1</sup> Copy of contract in Elphinstone charter-chest.

<sup>3</sup> *Ibid.* pp. 592, 595.

<sup>2</sup> Register of Privy Council, vol. vii. p. 46.

<sup>4</sup> Writs in Elphinstone charter-chest.

Robert lord Elphinstone

margaret lady elphinstone







## XIV.—ALEXANDER, FOURTH LORD ELPHINSTONE.

THE HONOURABLE JANE LIVINGSTONE, LADY ELPHINSTONE, HIS WIFE.

1602-1638.

Alexander, fourth Lord Elphinstone, was born on 28th May 1552.<sup>1</sup> As he was the eldest son of Robert, third Lord Elphinstone, he received the designation of the Master of Elphinstone, by which he continued to be known for fifty years. Of his early life and education no record is preserved.

This fourth Lord, being born in the reign of Queen Mary, and having survived till the reign of King Charles the First, lived under three sovereigns of Scotland. He also lived under the Regent Earl of Arran, the Regent Queen-mother Mary, the Regent Earls of Murray, Lennox, Mar, and Morton. During his long life this fourth Lord was a privy councillor, an extraordinary lord of session, and lord treasurer of Scotland. He was also a member of the parliaments of Scotland during his time.

When King James the Sixth made a return visit to Scotland in the year 1617, Lord Elphinstone entertained part of his numerous train in his own dwelling-house in the abbey of Holyrood. But when King Charles the First arrived at Holyrood to hold his parliament of June 1633 the aged baron was over eighty years. Being unable, from age and infirmities, to attend the king and parliament, his lordship granted a loyally expressed mandate to his cousin, John, Lord Balmerino, to attend, and act and vote for him. So long as the health of Lord Elphinstone permitted, he took an active share in the public and private business of Scotland. His long life, and more particularly his peaceful death, were in striking contrast to the

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

life and death of the majority of his three royal rulers, and of the six regents of Scotland. Queen Mary and King Charles the First fell by the hand of the executioner. Two of the regents, Murray and Morton, experienced a similar or even worse fate, while Lennox was killed in a battle fought against his rule, and Mar died of grief caused by the cares of his hazardous office.

The Master of Elphinstone had almost entered on his twentieth year at the date of the first notice of him after his birth. This is on 27th February 1571-2, when John, the first Erskine Earl of Mar, just then appointed Regent of Scotland, required Lord Elphinstone to surrender the castle of Kildrummy upon demand to the king and his regent, and in the meantime, to reset no rebel or traitor therein. He at the same time required Alexander, Master of Elphinstone, to appear in the privy council, before the last of March ensuing, under a penalty of ten thousand pounds.<sup>1</sup> The Master of Elphinstone attended the meeting of council at Leith on 31st March 1572, and accounted for his intromissions, which was all they required of him.<sup>2</sup>

These acts of the Regent were precautionary measures, deemed necessary in consequence of the war with the Queen's party. Their relationship and connection with the Drummonds and others, adherents of Queen Mary, may have cast suspicion upon the Master of Elphinstone and his father. But there is no evidence that either of them were implicated in the doings of those acting with the Queen, and the appearance of the Master of Elphinstone being satisfactory to the council, no further proceedings followed.

The Master of Elphinstone, upon reaching his majority, married the Honourable Jane Livingstone, eldest daughter of William, sixth Lord Livingstone, father of the first Earl of Linlithgow. A preliminary contract was entered into between William, Lord Livingstone, and Jane Livingstone, his daughter, and Robert, Lord Elphinstone, and his son, Alexander, Master of Elphinstone. It was therein provided, among other things, that the

<sup>1</sup> Register of the Privy Council, vol. ii. p. 123.

<sup>2</sup> *Ibid.* p. 719.

marriage should take place before 1st May following; and that it be preceded by a contract upon the whole "be advys of freindis and men of judgment."<sup>1</sup>

This agreement was followed by a marriage contract, dated at Easter Kilsyth and Kildrummy, 1st and 10th April 1575, between the same parties, with the addition of the respective spouses of the two contracting lords. The arrangements now made may be summarised as follows:—The marriage was to be celebrated between the date of the contract and 3rd June ensuing "as God's word dois requyr." Before that date Lord Elphinstone was to infest Jane Livingstone in the liferent of specified duties and profits out of Pendreich, Halls of Airth, Gargunnoch, and Rossy, to be held by her of their immediate superior. As the liferent of the lands of Rossy was already reserved to Lord and Lady Elphinstone, in place of it, during their lifetime, the lady was to be infest in the annual rent of certain profits and duties out of lands in the barony of Kildrummy. These lands, which were to be held of Lord Elphinstone, were Glenbuchett, Drumnahuff, and other lands. Lord Livingstone obliged himself to pay to Lord Elphinstone seven thousand merks in name of tocher. For the more sure payment of the last thousand pounds of this sum, Lord Elphinstone was to receive an annual rent of £100 out of the lands of Philpstoun.<sup>2</sup> The promised infestments were made simultaneously with the contract, and subsequently confirmed by the king.<sup>3</sup>

Soon after his marriage, and in the lifetime of his father, the Master of Elphinstone came to possess the whole Elphiustone estates by a family arrangement. On 24th May 1577, Robert, Lord Elphinstone, granted a procuratory to Michael Elphinstone, his brother, to resign his whole lands into the hands of the respective superiors of them in favour of Alexander, Master of Elphinstone, and his heirs.<sup>4</sup> Actual resignation in the king's

<sup>1</sup> Contract, dated at Elphinstone and Calander, 19th and 20th June 1574, in Elphinstone charter-chest.

<sup>2</sup> Original contract, also extract registered contract, *ibid.*

<sup>3</sup> Charter of confirmation, dated 10th August 1579, *ibid.*, also Register of the Great Seal, vol. iv. No. 2893.

<sup>4</sup> Procuratory of resignation, in Elphinstone charter-chest.

hands did not take place until nine years later, probably owing to the king's youth. Indorsed on the procuratory is a memorandum, dated at Holyrood House, 16th December 1586, bearing that Michael Elphinstone, procurator for Lord Elphinstone, made this resignation in the king's hands, when his Majesty disposed the lands of new to Alexander, Master of Elphinstone, whose procurator, William Elphinstone, sheriff of Orkney, received them in his name.<sup>1</sup>

Meantime, following upon the procuratory of resignation, and on the same date, the Master of Elphinstone received a charter from his father of the baronies of Elphinstone and Kildrummy.<sup>2</sup> He also received sasines of the lands, narrating precept of sasine, dated 26th May 1577, and bearing to be on a letter of gift and disposition of the lands by Lord Elphinstone.<sup>3</sup> The letter of gift is of the same date as the precept of sasine. It sets forth that Lord Elphinstone, understanding his own inability to govern his living, entertain his house and family, bring up his "bairns," and attend to their provision and advancement, etc., and knowing the ability of his son, Alexander, Master of Elphinstone, to supply his place in these matters, and also in respect of the affection he bears to him, and for other reasons and considerations, sets and disposes to him his lands of Elphinstone, etc. The disposition is subscribed "Robert, Lord Elphinstoun," and John Elphinstoun, his son, is one of the witnesses to it.<sup>4</sup>

From the foregoing particulars, it will be seen that while still a young man, and not more than twenty-four years of age, the Master of Elphinstone was not only married, and to that extent settled in life, but he was also the proprietor of the extensive estates of Elphinstone in the shires of Stirling,

<sup>1</sup> Procuratory of resignation, in Elphinstone charter-chest.

<sup>2</sup> Charter, *ibid.*

<sup>3</sup> Three sasines, *ibid.*

<sup>4</sup> Letter of disposition in Elphinstone charter-chest. The writ is in a fragmentary condition, and the writing is partially obliterated.

A later settlement of the Elphinstone estates took place, which was confirmed by the king on 26th March 1601, and which gave them to Robert, Lord Elphinstone, in liferent, and to Alexander, Master of Elphinstone, in fee.

Aberdeen and Perth, the entire management of which devolved upon him. Indeed, although not yet in possession of the title of Elphinstone, the Master of Elphinstone was for all practical purposes the Lord Elphinstone of this period. So much was this recognised, and to such an extent did his father keep in the background, that there are instances in which even in his father's lifetime the Master is described as Lord Elphinstone. The confidence which Robert, Lord Elphinstone, reposed in his son, the Master of Elphinstone, as to his ability to take his place in all business matters, was not misplaced. On the other hand, it will be shown in the subsequent pages of his memoir that in addition to the cares and responsibilities now described which he incurred, he soon after this entered public life, became one of the responsible officers of the Crown, and showed commendable ability and tact in the discharge of his public duties.

The Master of Elphinstone appeared on behalf of his father in a complaint to the privy council regarding a raid upon his lands called Little Maling of Rossey, situated in the barony of Elphinstone in Stirlingshire, on 20th August 1579. He characterised the raid as "schamefull and unworthie oppressioun," an injury to Lord Elphinstone, and of dangerous national example, and called for the repression of such outrages, otherwise they would provoke men to retaliate and to resist force by force. The matter complained of was remitted by the council to be tried before the competent judges.<sup>1</sup>

His next appearance is as a party to a bond of security for the payment to King James the Sixth of four thousand merks yearly so long as William Erskine, chancellor of Glasgow, possessed the abbey of Paisley. The king, for his good, true, and thankful service done to him, had disposed this abbey in favour of John, Earl of Mar, and his cousin, Mr. William Erskine. For the payment of the sum named surety was to be found. The Master of Elphinstone, James Stirling of Keir, knight, and other two rendered this friendly

<sup>1</sup> Register of the Privy Council, vol. iii. p. 220.

service to the Earl of Mar and his cousin.<sup>1</sup> Two months later the king granted a royal remission to Alexander, Master of Elphinstone, James Seytoun of Tullibody, and Johnne Reid of Aikinheid, of the yearly payment of this four thousand merks.<sup>2</sup>

A position at court in the king's household was now given to the Master of Elphinstone. He was, on 15th October 1580, nominated and appointed by his Majesty to be one of the "ordinar gentlemen of his Hienes chalmer." Other twenty-nine persons were at the same time made the recipients of a similar appointment, being, along with the Master of Elphinstone, all "baronis or the sonnys or brethir of noblemen and baronis, and having the moyen to leif on their awin, and being knawin to have bene affectionat to his Hienes sen his birth." They were to be sent for "with all convenient expeditioun" that they might accept the charge and give their oath of faithful service. They were also at their own option to have an extract of their appointment or the gift under the king's privy seal. It was required of the persons so elected and appointed that they "acknowledge and profes the trew and Christian religioun publictly preacht and be law estableschit within this realme, and that they communicat at the Lordis table at sic tymes as the same is celebrat in his Majesties hous, thay being present, or utherwyse quhair they sall happen to be for the tyme." It was further required of them that they should attend quarterly upon the king's service as they should be commanded by the lord chamberlain, except when the king was pleased to send for them, when they were to repair to his presence and remain there such reasonable time as the occasion required.<sup>3</sup>

The Master of Elphinstone had to appeal to the privy council with reference to trouble occasioned by Jobn, Master of Forbes. Differences had arisen between the Master of Elphinstone and the Master of Forbes in

<sup>1</sup> Bond registered 14th February 1579-80. Register of the Privy Council, vol. iii. p. 266.

<sup>2</sup> 30th April 1580, *ibid.* p. 285.

<sup>3</sup> *Ibid.* pp. 322, 323.

relation to the lands of Mekle Innernauchtie, the particulars of which do not transpire.<sup>1</sup>

About this time public events of considerable importance were transpiring in Scotland. The raid of Ruthven, which had taken place on 23rd August 1582, and which was occasioned by the ascendancy at court of Lennox and Arran, had the Earl of Gowrie as its principal leader. The king afterwards pardoned the earl for his participation in that raid. But Arran soon recovered his ascendancy, and by his insolence to him drove Gowrie from court. Indeed there was a growing determination by the king and Arran, his favourite, to proceed to severities against the Ruthven Raiders. Many of these were, in consequence, driven into exile. Gowrie asked and obtained leave of the king to go abroad. Meantime, dissatisfaction with Arran and his persecutions led to new conspiracies having his overthrow as their object. The court became alarmed at the return and movements of a number of the banished lords. On 2nd March 1583-4, Gowrie was ordered to act upon the licence given him and leave the country within fifteen days. The revolutionary party resolved to attack Stirling Castle, which they soon afterwards successfully accomplished. Gowrie, who still lingered in Scotland, went to Dundee, ostensibly to embark in a vessel and go abroad, but really to await the attempt upon Stirling Castle. Arran, apprised of his movements and correspondence with the conspirators, sent troopers to arrest him. He was taken prisoner, after a brief resistance, on 15th April 1584. On 4th May he was brought to trial, not only for more recent events, but also for past treasons, and notably for the raid of Ruthven, before the high court of justiciary at Stirling.

The Master of Elphinstone, who, so far as known, had no share in these public events, was placed on the assize at the trial of Gowrie. Among others who acted with him on the assize were the Earls of Argyll, Crawford, Montrose, Glencairn, Eglington, Arran, Marischal, Lords Saltoun and Somerville.

<sup>1</sup> Writs in Elphinstone charter-chest.

William, Earl of Gowrie, was, on the same day, tried, found guilty, sentenced to death, and beheaded beneath the castle wall of Stirling.<sup>1</sup>

Among those who, in 1584, were forced into exile from the kingdom and forfeited, on account of being obnoxious to Arran's administration, was David Erskine, the abbot of Dryburgh.<sup>2</sup> In some instances even the wives of those who incurred the displeasure of the king's favourite were either deprived of their freedom, or else had harder measures adopted towards them. Margaret Haldane, the wife of the abbot, did not escape. She was warded in Kildrummy, under the charge of the Master of Elphinstone. Secretary Walsingham, one of the most trusted ministers of Queen Elizabeth, was urged by Mr. Haldane, the brother of the warded lady, to interest himself in her behalf. Edward Wotton had just been despatched as ambassador from England to King James the Sixth. His mission was ostensibly to secure the king's adhesion with other Protestant princes to a counter league against the Holy League of the Pope, the king of Spain, and others for the overthrow of Protestant states. His real mission, however, was to bring about, if possible, the downfall of Arran, the return of the banished lords, and the establishment of English influence in Scotland. Walsingham wrote from his house at Barnelmes to Wotton on 16th May 1585, recommending the case to him.<sup>3</sup>

It would be interesting to learn the result of Walsingham's letter. But the revolution which took place on 4th November 1585, by which the abbot was restored, no doubt also led to the liberation from ward of Margaret Haldane, his wife, if by that time she had not already obtained her freedom.

The Elphinstone estates had now been in the hands of the Master of Elphinstone for a period of about nine years. He was at this time, in 1586, confirmed in the possession of them by a series of writs. When these estates

<sup>1</sup> Pitcairn's Criminal Trials, vol. i, pp. 116-118. Acts of the Parliaments of Scotland, vol. iii, p. 305.

<sup>2</sup> Calderwood's History of the Kirk of Scotland, vol. iv, p. 421.

<sup>3</sup> The Hamilton Papers, vol. ii, p. 643.

were made over to him in 1577, the consent of the curators of his father, the third Lord Elphinstone, who were appointed by the privy council at the request of his lordship, was not obtained, nor was the conveyance of them to the Master of Elphinstone confirmed by the king. These defects were now supplied. On 17th and 19th March 1585-6 Sir Robert Drummond of Carnok, knight, and James Hamilton of the Haggis, two of the curators of the third Lord Elphinstone, in terms of the appointment above described, granted letters of consent, under their signatures and seals, to the disposition of his estates by his lordship to his son, the Master of Elphinstone.<sup>1</sup> This was followed by the resignation of the estates by Lord Elphinstone in presence of the king, a charter by the king, under the great seal, of the whole lands, baronies and others contained in the estates, and a precept of sasine, also by the king, under the quarter seal, both proceeding upon the resignation of Lord Elphinstone. The resignation, charter, and precept are all dated 16th December 1586. The Master of Elphinstone received sasine of the estates on 22nd April 1587.<sup>2</sup>

In the Scottish parliament held in July 1587, an act was passed for the purpose of reforming the disorderly inhabitants of the Borders, Highlands and Isles. The act contains regulations for the carrying out of this projected and very desirable reform. Two rolls of names are appended to the act. The first of these is entitled, "Roll of the names of the landislordis and baillies of the landis duelland on the Bordouris and in the Hielandis, quhair brokenmen hes duelt and presentlie duellis." In this roll, the "Master of Elphinstoun" has his name inserted between the names of the Earl of Mar and the Earl of Huntly, and under the heading "Highlands and Isles." The Master of Elphinstone was thus acknowledged by the government as the owner at the time of the Elphinstone estates in the north of Scotland.<sup>3</sup>

<sup>1</sup> Letters of consent, in Elphinstone charter-chest.

<sup>2</sup> Resignation, charter, precept, and sasine, *ibid.*

<sup>3</sup> Register of the Privy Council, vol. iv. p. 781. Acts of the Parliaments of Scotland, vol. iii. pp. 465-6.

The Master of Elphinstone became cautioner for several sums during the years 1587, 1588, and 1589, for Adam, commendator of Cambuskenneth, John Cunningham of Drumquhassil, and George, Earl of Huntly.<sup>1</sup> The two instances in which he became cautioner for the latter need, however, only be noticed. The king, with advice of Mr. Robert Douglas, provost of Lincluden, his collector-general, had let on lease to Huntly the common kirks within Aberdeen, Banff, and Moray, who promised £1560 for the grassum thereof. In a bond of cautionry, dated 18th August 1587, Alexander, Master of Elphinstone, and John Leslie of Balquhane, promised, as "cautionaris," to pay that sum to the collector-general.<sup>2</sup> Here the Master of Elphinstone calls himself principal debtor as well as cautioner to Huntly. Probably the Master's possession of a lease of the teinds of the common kirks of Aberdeenshire at this time had to do with his relation to the Earl in this bond.

The other instance is on 6th March 1588-9, when the Master of Elphinstone, along with several others, became surety in the king's presence for George, Earl of Huntly, for his fulfilment of certain offers made by him for himself and his friends, and of a decree-arbitral to be pronounced by the king by 1st May then ensuing, under a penalty of 10,000 merks. The offers and decree relate to feuds and debates which existed between Huntly and his friends, and George, Earl Marischal, and his friends.<sup>3</sup>

The clan Forbes continued to give much trouble to the Master of Elphinstone on his estates of Innernet and Kildrummy. The differences which existed between the Master of Forbes and the Master of Elphinstone in 1580-1586 were never completely made up, and they broke out again soon after any hollow truce. Many of the Forbeses became implicated in the

<sup>1</sup> Register of the Privy Council, vol. iv. pp. 162, 182, 303, and 364.

<sup>2</sup> Extract registered bond in Elphinstone charter-chest.

<sup>3</sup> Register of the Privy Council, vol. iv. p. 364.

troubles which arose out of these differences, and notably John Forbes, younger of Toweis, Alexander Forbes of Gellane, and his brother, William Forbes, and also the Master of Forbes. These troubles became chronic and interminable for a period of at least sixteen years, and in 1589 they came to such a height of violence and oppression that the Master of Elphinstone appeared personally before the privy council and warned them on the subject. He said, "Quhais insolence and oppressioun gif the same be nocht tymouslie preventit be sum substantious and gude ordour, will not fail to bring on forder bluidshed amangis thame, sair aganis the said complenaris will, sen he is desirous to leif in peax as his Majesteis gude subject."<sup>1</sup> The remedy generally applied by the Council was to ordain the offenders to find caution in sufficient sums.

Several transactions between Alexander, Master of Elphinstone, and the Drummonds, which took place about this time, require to be noticed, as they furnish the genesis of a feud which some years later broke out between him and the Earl of Mar, in which several noblemen were involved. In this feud, besides the Earl of Mar on the one side, there was Sir James Forrester of Garden, knight; and besides the Master of Elphinstone on the other side, there were Alexander, Lord Livingstone, Sir Robert Bruce of Clackmannan, knight, John Livingstone of Dunipace, and Sir Robert Bruce of Airth, knight. The feud brought no small trouble to the Master of Elphinstone and all those who were implicated in it, and it was only finally settled by the intervention of the king. It will be seen in what follows how the Master of Elphinstone became connected with this feud.

Robert Drummond, son of Sir Robert Drummond of Carnok, had been dispossessed, in March 1583, of the lands called St. Ninian's Chapel Croft at the east end of the burgh of Stirling, by Alexander Forrester of Garden and John Donaldson, burgess of Stirling. His right to these

<sup>1</sup> Register of the Privy Council, vol. iv. p. 392.

lands on 4th June 1590 he made over to Elphinstone in return for payment for it.<sup>1</sup>

The next and more important transaction takes the form of an agreement between the Master of Elphinstone and John Drummond of Slipperfeild,<sup>2</sup> who was tacksman of the lands and Royal forest of Torwood in the shire of Stirling. As in the foregoing case, Drummond had a quarrel with Alexander Forrester of Garden about that forest. By the agreement referred to the Master of Elphinstone obliged himself directly and openly to meddle in the quarrel between Drummond and John and Alexander Forrester of Garden regarding the Torwood. The Master was also to bear the half of the charges in law till the final decision of all actions that might arise upon that quarrel. He was likewise to assist and to the utmost of his power maintain John Drummond in putting his decreets, contraventions, etc., to execution: and to do all that in him lay to make so much of the forest of Torwood peaceable to John Drummond as the latter should obtain right to.

In the same agreement, and for the causes above stated, John Drummond bound himself and his heirs that the equal half of the profit accruing out of the forest of Torwood by "mawing of the medowis, pasturing of guddis within the forest, inhabiting, or setting of the arable landis within the precinct of the said forest, spoulzeis, contraventionis or vtheris decrettis quhatsum-ewer," recovered from Forrester should belong to the Master of Elphinstone.

<sup>1</sup> Letters of assignation in Elphinstone charter-chest. The Master of Elphinstone, on 22nd January 1592, transferred this right to Alexander Elphinstone, his son. But afterwards, on receiving from Robert Drummond a larger sum than he had paid for it, the Master of Elphinstone and his son restored it to Drummond on 26th August 1595. Drummond now obtained a decret from the privy council declaring that Forrester and Donaldson had wrongfully occupied the lands in question, and he raised letters of horning

against them. This decret Drummond made over to Alexander, son of the Master of Elphinstone, on 15th January 1598 [Writs in Elphinstone charter-chest.]

<sup>2</sup> John Drummond of Slipperfeild afterwards became Sir John Drummond of Hawthornden. He was a kinsman to the Master of Elphinstone, being a son of Robert Drummond of Carnok and his wife, Marjory Elphinstone, sister of Robert, third Lord Elphinstone. His son, William Drummond of Hawthornden, was the famous poet and historian,

The other equal half was to belong to John Drummond and his heirs. The Master received a letter of factory from Drummond giving him power to intermit with the profits and to do in reference to the forest all that Drummond might do, but requiring from him at the same time a yearly reckoning of his intronissions and payment of the equal half of the profit. This factory was to continue during the dependence of matters in law between Drummond and the laird of Garden. If Drummond's right prevailed, he engaged to dispoine it to the Master of Elphinstone at the sight of James Elphinstone of Innernoctie and Alexander Drummond of Medhope. Neither of the parties to the agreement was to act in the matter without the other.<sup>1</sup>

As explanatory of the disagreement which existed between Drummond and Forrester in which the Master of Elphinstone now undertook to be a party, it may be explained that the lands and forest of Torwood bordered with the moor called King's-side Muir and the house called Forrester's Mansion, which belonged to the laird of Garden. Evidence of the feud was soon after this given in which Elphinstone's appearance was more passive than active. At a perambulation of the marches of the respective lands now described, appointed by the king and council, Forrester met the lords visitors with a thousand armed men, whom he refused to disband. The lords, considering themselves deforced, went to the place of Elphinstone for two days. A second attempt was then made, but with the like result. Fearing bloodshed, the lords visitors and Alexander, Lord Livingstone, the king's commissioner, requested John Drummond and the Master of Elphinstone, who was in company with him, to depart off the lands, which request the register of the privy council says "wes willinglie obeyit." The lords were again deforced.<sup>2</sup>

Matters did not improve by subsequent events. In July 1595 the

<sup>1</sup> Agreement, dated Elphinstone, 27th August 1591, in Elphinstone charter-chest.

<sup>2</sup> Complaint by David Setoun of Parbroth,

comptroller, and John Drummond of Slipperfeild, 11th October 1593. Register of the Privy Council, vol. v. pp. 98-100.

slaughter of David Forrester, bailie of Stirling, on his way from Edinburgh to Stirling, by a party of Bruces and Livingstones, consequent upon a previous quarrel between this David and one of the name of Bruce, involved these two families as well as that of the Earl of Mar in the feud. Forrester was in the service of Mar when he came to his tragic end. Spottiswoode, after describing the slaughter, adds that the Earl of Mar took it greatly to heart. The course he pursued shows this. He "caused bring the body of his servant to Linlithgow (for he was killed nigh to Kirkliston), and with his whole friendship conveyed the same to Stirling there to be interred, carrying along the portrait of the dead with the wounds he had received drawn on a white sheet to move the beholders to a great detestation of the fact." The matter did not end there. "The corpse buried, and the Earl following the course of law, the Lords Livingstone and Elphingston did party the committers. And though the king by his proclamation did prohibit the assisting either of the pursuer or defenders, commanding justice to be done, nothing could take effect in that troublesome time: so powerful was the combination of parties."<sup>1</sup>

By the interposition of the king the several parties to the feud submitted by agreement the whole matter to his Majesty's arbitrament. The royal arbirer invited them to send to him their "griefs," complaints, and offers of satisfaction, but excepting the actual committers of the slaughter of David Forrester from all benefit to be derived from the arbitration. The decret-arbitral of the king, which is dated 8th April 1599, is an interesting document. He gave it not only as arbitrator, but "als thair onlie prince and souerane to quhome it belangis of our princelie dewtie to remowe all ground as fundamentis and occasionis of feidis betuix ony of our subiectis." He declared that the occasion of the bad feeling between many of them who were submitting to his arbitration proceeded from slanderous reports made with a view to sow discord between them.

<sup>1</sup> Spottiswoode's History, vol. ii. p. 465.

It is only necessary to notice the decree arbitral further here so far as it relates to the Master of Elphinstone. The king gave a separate judgment upon each person. He entirely cleared the Master of any "airt and pairt" in the slaughter of David Forrester, as well as of any "devyse or cours" against the Earl of Mar. In regard to another slaughter that had happened in the feud, that of John Forrester of Wanless, the Master stated that it proceeded upon the "auld haitret and deidlie feid" between the Master and the laird of Garden, originating with the lease of Torwood to John Drummond of Slipperfield. Moreover, the Master had given assythment to his widow.

The king's decision was that the parties at feud should lay aside all rancour and cultivate friendship, and that Elphinstone should make reparation and satisfaction to the relict and children of John Forrester of Wanless.<sup>1</sup>

While the events connected with the feud and its settlement by the king just described were taking place, other events were transpiring which now require to be noticed. The burning of Donibristle and murder of James, Earl of Moray, and Dunbar, sheriff of Moray, are matters of history and well known. The king, as if to atone for his indifference to these foul crimes of Huntly, had a raid proclaimed for his pursuit and capture. The army was appointed to meet at Perth on 10th March 1591-2 for this purpose. Before that date, however, the Master of Elphinstone made offers to the king in name and behalf of Huntly, that the latter and his accomplices would appear before the king and council and undergo trial for the crimes charged against them. The king and council, in respect of these offers and a letter from Huntly, deserted the raid, at the same time warning the lieges to be prepared to take part in another raid on fifteen days' warning, which shows that too much trust was not placed in Huntly's professions of submission.<sup>2</sup>

<sup>1</sup> Extract registered decret-arbitral, and relative papers, in Elphinstone charter-chest.

<sup>2</sup> Register of the Privy Council, vol. iv. p. 733.

While still Master of Elphinstone, and before he succeeded to his father in the peerage of Elphinstone, the Master resigned in favour of Alexander Elphinstone, his son and apparent heir, the town and burgh of Kildrummy, and various lands in the earldom of Mar and shire of Aberdeen.<sup>1</sup>

In the autumn of 1594, while Forbes and the Master of Elphinstone were still at feud, the latter was charged by the king to deliver his fortalice of Glenbuchett to John Couttis, messenger, within a certain time, under pain of treason. By another warrant, Couttis was ordered to deliver the fortalice to John Forbes of Towy. Elphinstone, annoyed at the proceeding, appeared before the privy council on 28th October 1594, and complained that he had constantly professed obedience to the king, and had committed no offence which would justify his house being taken from him and delivered to Forbes, who was the king's rebel, being unrelaxed from the horn. He offered, however, to deliver the house, if it would advance the king's service, on condition that Forbes should be bound not to demolish the fortalice.<sup>2</sup>

The Master of Elphinstone succeeded by his complaint in averting the mortification of seeing Forbes in possession of his house. The letters of the king were suspended, and Elphinstone became bound in £10,000 that the house of Glenbuchett would be delivered to the king upon warning, and that in the meantime he would reset none of the king's declared traitors therein.<sup>3</sup> It has already been seen that Elphinstone was the bearer to the king of the offers made by Huntly. This may have brought him into suspicion of holding intercourse with that Earl and his accomplices. Whether on this or some other ground is not apparent, but certainly within a year of these offers being made, suspicion was entertained of him of this nature. This is evident from an earlier entry in the register

<sup>1</sup> 25th January 1593-4. Register of the Great Seal, vol. vi. No. 51; also sasine, dated 22nd September 1595, on a precept from the king in favour of Alexander

Elphinstone of these lands, in Elphinstone charter-chest.

<sup>2</sup> The Register of the Privy Council, vol. v. p. 186. <sup>3</sup> 28th October 1594. *Ibid.* p. 186.

of the privy council, dated 3rd March 1592-3. In that entry James Abircrummy of Korsy became cautioner in 5000 merks for the Master of Elphinstone that he would not repair north of the Tay without the king's licence, and that the keepers of the fortalices of Kildrummy and Glenbuchett would not reset therein George, Earl of Huntly, William, Earl of Angus, Francis, Earl of Errol, or any other declared rebel for the burning of Donibristle and murder of the Earl of Moray.<sup>1</sup> Although this entry is marked "deleted by a warrant subscribed by the king and his secretary at Edinburgh, 28th July 1593,"<sup>2</sup> it is apparent from the later charge in 1594 given to the Master of Elphinstone that these suspicions expressed in the manner stated were again revived.

Elphinstone was not long in disfavour. He was present on 22nd May 1596 at the convention of estates.<sup>3</sup> On 18th October following he received a warrant subscribed by the king, Lennox, Glencairn, and other two lords, to bring before the council for trial at Linlithgow, the next forenoon, Maws Livingstone, the suspected murderer of Lady Livingstone.<sup>4</sup> He soon after, however, again lost favour, although for what reason does not appear. On 4th May 1598, he was warded in the castle of Dumbarton, where he was to remain until he was liberated by the king.<sup>5</sup> He must have been liberated before the close of the next month, as on 29th June he attended the convention of estates at Holyrood-house, as well as another convention which met on 30th October at the same place.<sup>6</sup>

In the same year his relative, James, commendator of Inchaffray, wrote him on 27th October, from Innerpeffrie, having heard of his home coming, to appoint a day for a meeting for ending the tutor of Carnok's accounts.

<sup>1</sup> The Register of the Privy Council, vol. v. pp. 47, 48.

<sup>2</sup> *Ibid.*

<sup>3</sup> Acts of the Parliaments of Scotland, vol. iv. p. 97. Register of the Privy Council, vol. v. p. 288.

<sup>4</sup> Original warrant in Elphinstone charter-

chest.

<sup>5</sup> Original warrant to the keeper of the castle, *ibid.*

<sup>6</sup> Acts of the Parliaments of Scotland, vol. iv. pp. 158, 173. Register of the Privy Council, vol. v. pp. 462, 489.

The commendator subscribes himself, "Your maist affectionet brother to be commandit, Incheffray;" and addresses his letter "to his louing brother the Maister of Elphinstoun."<sup>1</sup>

In another letter, Patrick, Earl of Orkney, another relative, requests the Master's co-operation in a matter of business. The Earl writes:—

"Luiffing brother, eftir maist hertlie commendatiouns. Albeit your weghtie adois haue stayit our meiting, yit I am informed be the berar, my seruitour, Andro Mertyne, how ernist and willing ye haue bene in suiting of your decret of transferring; and how the proces restis at the aduysing. But now I am aduertisit that my mother is departit this lyff: and hir executouris ar als busie as euer scho wes in hir tyme to put me to trubill. Thairfoir, I man requeist yow ernistlie to proceid with the foirsaid actioun and obtene your decret with sic convenient diligence as is possibill aganes the executouris, to quhome I hoip ye will schaw na mair courtessie nor favour (in my contrare) nor ye did to my mother in hir tyme. For the actioun is nocht changed in my persoun, albeit my persewar be alerit. As for the sune that I am addettit to yow, the berar will tak ordour thairwith; to quhome with creidit I leve the rest, and committis yow to God. Birsay, the xx of October 1598.—Your louffing brother at power,

ORKNEY.<sup>2</sup>

"To my luiffing brother the Maister of Elphynstoun," etc.

On 14th December 1598 the privy council was dissolved. A new council was then appointed composed of thirty-one persons. The Master of Elphinstone was one of those appointed. He, however, did not attend the council until 10th April, when it is recorded that "the Master of Elphingstoun, being elected to be of the privy council, gives his oath in due form."<sup>3</sup> The day following he took his seat as a privy councillor, and his name appears for the first time on the sederunts of the council, where he is described as "Magister de Elphingstoun."<sup>4</sup> Under this designation he only continues in the sederunts of the council in their two immediately subsequent meetings of the 12th and 17th April respectively.<sup>5</sup>

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.* The Countess of Orkney was a sister of Jane, Lady Elphin-

stone. The Earl and the Master of Elphinstone were thus brothers-in-law.

<sup>3</sup> Register of the Privy Council, vol. v. p. 547. <sup>4</sup> *Ibid.* <sup>5</sup> *Ibid.* p. 548.

Other successive appointments to office, not less important than that just mentioned, in this and the succeeding month of the same year, 1599, fall to be recorded at this point. In the interval following previous to the next meeting of the privy council on 19th April, the Master of Elphinstone was appointed to the high office of Lord Treasurer of Scotland in succession to John, Earl of Cassillis.<sup>1</sup> Being present at that meeting he accordingly, for the first time, appears on the sederunt of it as "Thesaurarius."<sup>2</sup> Under this new designation, he continued to be described in the sederunts of council while he held this appointment.

His predecessor in the treasurership, the Earl of Cassillis, who succeeded Walter Stewart, prior of Blantyre, held office only for a few weeks. The prior, by favouring Mr. Robert Bruce, one of the ministers of Edinburgh, when the king had deprived him of a pension derived from the abbey of Arbroath, displeased his Majesty, who warded him in the castle of Edinburgh, took proceedings against him, and compelled him to resign his office.<sup>3</sup> The Earl of Cassillis received the appointment through his wife, a wealthy lady, who, anxious to enjoy court life, purchased the office for the Earl, her husband, by making money advances to the king to the extent of forty thousand merks. The Earl also, on the 27th March 1599, came to an understanding with the prior, which he confirmed two days later, binding himself to relieve him of certain sums due by him to persons named in the agreement. His lordship thereby secured his peaceable demission of the treasurership in his favour. He further obtained legal investiture and at his special desire was proclaimed treasurer.<sup>4</sup> But the Earl of Cassillis in displaying all this eagerness for this office was not aware of the mismanagement of the

<sup>1</sup> The treasurer was not designed Lord High Treasurer until after the union of the two crowns of Scotland and England in 1603.

<sup>2</sup> Register of the Privy Council, vol. v. p. 551.

<sup>3</sup> Letters to Sir Robert Cecil from James Hudson and George Nicolson, dated Edin-

burgh, March 13, 16, and 24, 1599. [Calendar of State Papers, Scotland, vol. ii. pp. 767-8.]

<sup>4</sup> Letter to Sir Robert Cecil from George Nicolson, dated Edinburgh, March 28, 1599. [Calendar of State Papers, Scotland, vol. ii. p. 768.] Also Register of the Privy Council, vol. v. pp. 548-9.

revenues which prevailed, the number of precepts directed to the treasurer for money, and the embarrassment which was the necessary consequence of all this. When he made the discovery, which he did by the 10th of April, he refused to accept the office, and fled from Edinburgh. On the 11th he was charged within ten days to assume his official duties and to return to Edinburgh.<sup>1</sup> On 17th April he desired by his procurator to know if the prior of Blantyre had demitted office in his favour, whereupon Blantyre, who was present, demitted it. The Earl's procurator having no power, the king and council held that Cassillis had failed in his duty,<sup>2</sup> and they considering that he had forfeited the office, acted on that understanding.

It was in these circumstances that the Master of Elphinstone obtained his appointment to be treasurer. Spottiswoode, who furnishes several details in these matters, informs us that it was upon the recommendation of his brother, Mr. James Elphinstone, at the time secretary for Scotland, that the Master of Elphinstone now became treasurer.<sup>3</sup> It has already been pointed out that he had received the appointment by 19th April, on which day he appeared in the character of treasurer in the privy council. Cassillis was greatly enraged to find himself superseded in this manner. In a letter written from Edinburgh on 20th April, George Nicolson, the English resident there, informed Sir Robert Cecil, the minister of Queen Elizabeth, of the matter, referring to the Earl's deprivation, "his rage," and "his disgrace with the king."<sup>4</sup> He informed him further, in another letter, written three days later, that the treasurer was settled in his office.<sup>5</sup>

Still another appointment which the Master of Elphinstone received from the king in the course of the year 1599 was that of the office of extra-

<sup>1</sup> Letter to Sir Robert Cecil from George Nicolson, dated Edinburgh, April 10, 1599. [Calendar of State Papers, vol. ii. p. 768.] Register of the Privy Council, vol. v. pp. 547-8.

<sup>2</sup> *Ibid.* pp. 548-550.

<sup>3</sup> Spottiswoode's History, vol. iii. p. 79.

<sup>4</sup> Calendar of State Papers, Scotland, vol. ii. p. 769.

<sup>5</sup> *Ibid.* A month later, or on 20th May, quarrelling about the treasurership was still going on. [Letter, Sir William Bowes to Sir Robert Cecil. *Ibid.* p. 770.]

ordinary lord of session. On 17th May he presented a letter from King James to the college of justice. This letter proceeded, that "the presentation of the extrodinar lords of the sessionn hes in all tymes bygane sen the institution of the College of Justice bein at our pleasure to be displacet and of new provydeit be us, as we haif thocht expedient, and that it is necessar that our theasurer be of the number." The king therefore requested the court to admit Alexander, Master of Elphinstone, who was now lord treasurer, to be an extraordinary lord of session, in place of Walter Stewart, prior of Blantyre, the late lord treasurer of the kingdom.<sup>1</sup>

It will be seen from the terms of his appointment that the Master of Elphinstone was made a senator of the college of justice at this time on the ground of his being treasurer. In keeping with this, he received the place in the session formerly held by Blantyre, the former treasurer. The ordinary lords of session were by statute restricted to the number of fifteen—seven spiritual lords and seven temporal lords, with a lord president. Their nomination to office was vested in the crown, but they were only admitted as senators after trial of their qualifications. The king had it as his prerogative to add supernumerary lords to the number of three or four, although frequently more than that number were appointed. These were called extraordinary lords. They differed from the ordinary lords in that, among other things, they were not required to undergo any entrance trial of gifts, they received no emoluments from their office, and they were not obliged to give constant attendance at the college of justice. They could be removed from office at the king's pleasure. They had certain restrictions placed upon them, such as that they could not buy lands depending in controversy. At the same time they were not without advantages accruing to them from their official position. One of these was that they were exempted from paying taxes.<sup>2</sup> The

<sup>1</sup> Senators of the College of Justice, p. 242.

<sup>2</sup> A succinct statement on the Court of Session and its officers is given in "Memorials of the Earls of Haddington," vol. i. pp. 74-82.

senators of the college of justice had each his judicial or courtesy title, by which he was distinguished. The Master of Elphinstone, on being nominated an extraordinary lord, retained his usual designation without the addition of any titular distinction.<sup>1</sup>

Upon receiving the important appointments now described, the Master of Elphinstone took an active and prominent part in the public affairs of the nation. He especially did so as a privy councillor and as treasurer. His position in the council was rendered the more important and responsible, and his duties there were the more numerous and onerous, from his being one of the ministers of the crown. He was one of the most regular in his attendance at the council meetings, especially during the time he was treasurer. Indeed many of his duties as treasurer fell to be discharged at these meetings. It was his duty to pursue parties before the council, in the king's interest, for contravention of acts of caution in sums of money, in cases calling for fines and penalties, and in a variety of other cases. He sued such parties generally in conjunction with Mr. Thomas Hamilton of Drumcain, afterwards first Earl of Haddington, the king's advocate. His office, however, always gave him precedence over the lord advocate. It also belonged to him, as treasurer, to advise the king and council in certain cases coming before them; and in the decrees which they emitted they frequently state that they give them with advice of Alexander, Master of Elphinstone, treasurer. It was also necessary for him to appear in the council as complainer in the king's interest, as well as defender in cases where his official acts formed the matter of complaints against him. It was his place to obtain letters for parties to find caution in certain sums, or charging them to appear before the king and council. There are numerous entries in the register of the privy council in which he is found acting in the various ways above stated. Soon after his entry to office he took action against several persons for coining and circulating spurious money. Amongst others, he

<sup>1</sup> Senators of the College of Justice, p. xvi.

indicted one John Weir, on whose behalf John, first Marquis of Hamilton writes, being a tenant of his.<sup>1</sup>

Various warrants were signed by King James directed to James Semple of Beltrees, the king's receiver in England, to pay various sums which fell on the Treasury in Scotland. One of these payments was to Archibald Johnston, merchant and burges of Edinburgh. Johnston had paid to the king this same year the sum of seven thousand pounds, conform to a contract between the treasurer on the one part and Sir George Home of Spott, knight, and the said Archibald on the other part. Semple was now to pay to Johnston this sum, which would be allowed him when accounts with him were settled. The precept is dated "the fferd day" of December 1599. Among the signatories to the precept is the Master of Elphinstone, who subscribes himself "A. M. E., Thesaurer."<sup>2</sup>

The payment in another precept was to be made to George Heriot, younger, goldsmith. The sum to be paid was four hundred pounds sterling, which the king and his treasurer were due him "ffor certane jewellis coft and ressauit be ws fra the said George vpone the first day of Januar instant." The precept is dated 14th January 1600, and contains the same signature of the treasurer as in the precept last mentioned.<sup>3</sup>

A fourth precept, subscribed by King James, Lennox, and other councillors, directed to Elphinstone as treasurer, may be given here:—

"Thesaurer, Forasmuch as Maister James Fullertone is to make his present repair to London for our affaires, we will and command yow to delyver to the said Mr. James the summe of two hundereth crownes allowed to him by vs for his chardges, whereof yow must not faile, as yow will answer to the contrarie. And for doing hereof this

<sup>1</sup> Original letter, dated Kinneil, 5th July 1599, in the Elphinstone charter-chest.

<sup>2</sup> Original precept, *ibid.*

<sup>3</sup> Original precept, *ibid.* On 3rd July following, the Master, along with the king,

Montrose, and others, sign an acquittance by the king to George Heriot, younger, for a jewel given him in security for a sum of money owing to him by his Majesty [Register of the Privy Council, vol. vi. p. 129].

shall be yowr sufficient discharge. Signed with our hand, this xxvijth of October, 1600.

JAMES R.

“ LENOX.	SECRE <sup>r</sup> .	S. G. HOWME.	M. T. HAMILTON.
“ COMPTROLLER.		JO. PRESTOUN.	FYVIE.” <sup>1</sup>

The Master of Elphinstone attended the convention of estates at Holyrood-house on 11th December 1599.<sup>2</sup> In the beginning of 1600 he was placed on a commission for bringing about the concurrence of the lieges with the sheriffs and magistrates in the execution of their offices.<sup>3</sup>

Among the items of expenditure which fell to be met by the treasurer out of his revenue was the erection and repair of the king's houses and castles. The Master of Elphinstone received a letter, as treasurer, from King James the Sixth about the repair of Holyrood-house, which the Master had promised him to have done. The king does not state the extent or nature of the reparation to be made. An examination of the treasurer's accounts for the period would, however, probably disclose this. In the preface to the Charters of Holyrood, printed for the Bannatyne Club, where a historical account of the palace and of repairs upon it is given, no reference is made to work done on the palace at this time. The letter of the king, so far as it may be considered an addition to what is known of Holyrood, is worthy of being quoted in full, which is here done:—

“ Richt trusty and weilbelouit counsallour, we greit you hertlie weil. Seing it is now hie tyme to begin the reparatioun of our palice of Halyruidhous according to your promeis maid thairanent, we have thoct guid to will and desire you to begin thairto indelayedlie vpoun the ressait herof, and to be bissie and cairfull in perfyting that work with all diligence, as you will do ws speciall guid pleasour and seruice. Swa we commit you to God. From Falkland, this nynt of July 1600. JAMES R.”

“ To our richt trusty and weilbelouit counsallour, the Master of Elphinstoun, our Thesaurer.”<sup>4</sup>

This last year of the sixteenth century has been rendered memorable

<sup>1</sup> Original in Elphinstone charter-chest.

p. 62.

<sup>3</sup> *Ibid.* p. 68.

<sup>2</sup> Register of the Privy Council, vol. vi.

<sup>4</sup> Original in Elphinstone charter-chest.

by what is known in history as the Gowrie Conspiracy. It is unnecessary to give any detailed narrative of the conspiracy, which has been so often told. According to King James, he was, on 5th August 1600, lured by John, Earl of Gowrie, from Falkland, where he was hunting, to make a hasty journey to Gowrie House, at Perth, ostensibly to inspect a pot of gold which had recently been discovered; and when there the Earl attacked the king so as to endanger his life. Assistance having come to the king, the Earl and his brother, Alexander Ruthven, were slain in the struggle.

News of the conspiracy and of the king's escape reached Edinburgh on the following day, the 6th August. The privy council at once convened, issued a proclamation notifying the king's deliverance, requiring his dutiful subjects to give thanks to God therefor, and in token of their joy, to cause the bells of the burgh of Edinburgh, the Canongate and Leith, to be rung, and bonfires to be made. The Master of Elphinstone, who was present at the council, took a prominent part in these rejoicings. Birrel in his *Diary*, and Balfour in his *Annales*, inform us that the castle guns were fired, bells were rung, and trumpets were sounded; there were also fireworks and bonfires, and dancing and public rejoicing. The Earl of Montrose, lord chancellor, the Master of Elphinstone, Sir James Elphinstone, secretary, and many of the nobility and officers of state, repaired to the market cross of Edinburgh, and, after hearing an oration from Mr. David Lindesay, on bended knees, with uncovered heads, gave thanks to God for the king's deliverance.<sup>1</sup> The meetings of council on the 6th and 7th of August were wholly devoted to the subject of the conspiracy, as well as a large part of the meeting on the 12th of that month. The Master of Elphinstone attended these meetings. He was also related to other proceedings consequent on the Gowrie conspiracy.<sup>2</sup> He was a commissioner, appointed under the testimony

<sup>1</sup> Birrel's *Diary*, Balfour's *Annales*, vol. i. pp. 406.

<sup>2</sup> A letter from Dorothy, Countess Dowager of Gowrie, the mother of the slain Earl, in

which she makes a touching appeal on behalf of her daughters, whom she is unable to support, and desires the king to be spoken to for them, has the address torn. It was

of the great seal, for holding what turned out to be the last Scottish parliament held by King James prior to his succession to the English throne, and departure to England. This parliament met on 1st November 1600, and three days later, in presence of the Master of Elphinstone and other lords commissioners, William Ruthven, brother of John, Earl of Gowrie, and other members of the Ruthven family, were tried, sentenced to death, and forfeited.<sup>1</sup> This parliament also passed several acts connected with the Gowrie conspiracy. One of these, an act in favour of James Wemyss of Bogy, and Mr. John Moncreiff of Easter Moncreiff, may be mentioned, as Treasurer Elphinstone became a party to the matter to which it refers in the beginning of the next year.

Wemyss and Moncreiff had managed the affairs of John, Earl of Gowrie. In a petition to parliament they showed that, in the discharge of their duty to the Earl and his estates, they had become burdened with debts, from which the forfeiture of the Earl prevented them obtaining relief. The act passed gave them the relief they craved.<sup>2</sup> On 16th January, the Master of Elphinstone, and also Sir David Murray, knight, comptroller, submitted to the privy council the question if payment should be made to Wemyss and Moncreiff of another sum due to them in the circumstances above described. The council having heard parties, decerned the treasurer and comptroller to pay the sum equally between them.<sup>3</sup>

By the close of the year 1600, Semple of Beltrees had rendered the account of his charges and intromissions, as the king's receiver in England, in connection with the royal annuity, showing a certain amount due him as super-expenses. The king gave a precept to Elphinstone, dated at Holyrood-

apparently written either to the Master of Elphinstone or his brother, the secretary. It is printed at length in the Ninth Report to the Commissioners on Historical mss., p. 196, the original letter being in Elphinstone charter-chest.

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iv. pp. 191-2. Pitcairn's Criminal Trials, vol. ii. p. 159.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. iv. p. 245.

<sup>3</sup> Register of the Privy Council, vol. vi. p. 194.

house, 22nd December 1600, and subscribed by his Majesty and several of his council, to pay Beltrees one hundred pounds sterling.<sup>1</sup>

On 18th March 1601, the king and council assigned the 27th of May following for the auditing of Elphinstone's accounts as treasurer. These accounts, extending over the period of his treasurership, like the accounts of his predecessors and successors in office, contain much interesting information upon events then current, as well as upon the customs and habits peculiar to these times.

In the Appendix to Letters to King James the Sixth, printed for the Maitland Club in 1835, there are extracts from the accounts of the treasurers of Scotland from 1593 to 1603, a period which covers the treasurership of Elphinstone. There are also among the Elphinstone muniments a number of duplicate pages of the treasurer's accounts in manuscript. These extend to sixteen folio pages, and they are from October to December 1600. A few of the entries in the accounts, taken from these two sources, during the time when Elphinstone had charge of them, will now be given.

It fell within the scope of the office of treasurer to pay for the apparel of the royal family, and of their servants and officers who wore liveries, as well as the miscellaneous expenses of the king and his family; their food and furniture, etc., falling to be provided by the comptroller. The following entries occur in the print by the Maitland Club:—

“Maii 1599. Item, payit to Peter Sandersoun, tailyeour, for certane furnitour maid be him to thair Majesteis twa dochteris agane the tyme of the baptisme of Ladie Margaret, . . . . . iij<sup>c</sup> l.

“Jun. Item be his Majesteis speciall directioun the furnitour following for the use of his darrest dochter Ladie Princes Elizabeth—

“Item, sex lane mutchis contenand ane ell and thrie quarteris, . . . vij l. xv s.

“Item, for pearling to put about the samin, . . . . . xxxij s.

“Julij. Item be command of his Majesteis preceptis the furnitour following for thair Majesteis aucht Laqueyis and ane of the Prince his, thair darrest sone.

<sup>1</sup> Original in Elphinstone charter-chest.

"Item, xlv elnis reid skarlet Londoun clayth to be the saidis Laquayis cloikis, cottis and breikis, . . . . . iij<sup>e</sup> l." <sup>1</sup>

There are two entries in which the Master of Elphinstone had a personal interest, and which may be here quoted. The marriage of the two daughters of the treasurer, Annas, to the Earl of Sutherland, and Jean, to Arthur, Master of Forbes, referred to in the subsequent memoir and notice of them respectively, took place on 5th February 1600. The king and queen and most of the nobility were present at the two marriages. The following entries in the treasurer's accounts are closely connected with this interesting event in the Elphinstone family.

"Feb. Item, delyverit be commandiment of his Majesteis precept to Sir George Home of Spot, knycht, master of the gardrop, twa goldin cheinyeis and cheinyie beltis, with twa pair of garnessingis bak and foir, to be delyverit as his Hienes propyne to the Countes of Sutherland and Maistres of Forbes the day of thair mariage, . . . . . I<sup>m</sup>iij<sup>e</sup>xxxij l. vj s. viij d."

"Item, delyverit to his Majesteis self to play at the cairtis in the moneth of Februar 1600 the tyme his Majestie wes in the cunyehous of Edinburgh, at the mariages of the Erle of Sutherland and Master of Forbes, sex fyve pund peces, being omittit in the preceeding compt, . . . . . lxxxij l." <sup>2</sup>

Besides those already mentioned, the treasurer has references in his accounts to the sickness, which had a fatal issue, and to the subsequent embalming of the body of the infant Princess Margaret. These are soon followed by others regarding the birth of the Duke of Albany, afterwards King Charles the First, which took place at Dunfermline on 19th November 1600. In the duplicate pages of the accounts already described there are numerous entries relative to the Duke, and providing necessary articles for him, such as his bed and cradle, which received great attention. The following in November 1600 refers to his baptism:—

"Item, for four elnes and ane half of quhyt sating to be him ane coit the day of his baptizem at viij li. the elne, inde, . . . . . xxvij li." <sup>3</sup>

<sup>1</sup> Letters to King James the Sixth (Maitland Club), p. lxxiv.

<sup>2</sup> *Ibid.* pp. lxxv-lxxvi.

<sup>3</sup> Duplicate pages of Treasurer's Accounts, in Elphinstone charter-chest.

There are also many entries for bedding and wearing apparel for the "Maistres nureis," the "Rockaris," and the "Maistres Rokar" in attendance upon the infant Duke. These entries are under the same date.

On 29th June 1601 the privy council "find meet that there shall be two master households to the king, two to the queen, two master stablers to the king, two to the queen, six gentlemen to the king, and six to the queen." The salaries of these were fixed by the council, who ordained two parts to be paid by the comptroller, and the third by the treasurer.<sup>1</sup>

The treasurer demitted his office in September of this year. But as early as 1600, one of those differences arose between Elphinstone and the king which ultimately brought about his retirement from office. The circumstances were these. The king had promised to the laird of Urchill the escheit and forfeiture of Hew Moncreif, an associate of Gowrie, for assisting him when his life was endangered. Elphinstone, it appears, opposed the implementing of this promise, and gave the escheat and forfeiture to Alexander Elphinstone, his son, without the king's knowledge. The king, resenting this, on 5th August 1600, gave a signature of remission to Hew Moncreif "for the treasonable attempt committit aganis his Hienes at Perth." This signature passed the "chancellarie and grit seill," without any acknowledgment of the treasurer therein. Treasurer Elphinstone thereupon, on 19th February 1601, gave in a petition to the king and council. He held that the subscribing and "componing" of signatures about the office of treasurer had always belonged to the treasurer and his assessors, and that no signature unsubscribed by them passed the seals. He considered that the king's act was prejudicial to his office, and he said he could not be answerable for the dutiful discharge of his office "gif sic noveltie be allowit or sufferit to come in practize and custome." He craved that the remission "sa inordourlie past mycht be callit bak and eschewit in tyme cumeing." The king, so far from being moved by this petition, wrote a letter to Alexander Elphin-

<sup>1</sup> Register of the Privy Council, vol. vi. pp. 263-4.

stone, on 8th July 1601, calling him to transfer to Hew Moncreif all right he had to Hew's lands and goods by any gift proceeding from his forfeiture.<sup>1</sup>

The king's defence was that he had made a promise to the laird of Urchill. The Earl of Montrose, chancellor, who was keeper of the great seal, asked the king's act to be extended as his warrant.<sup>2</sup> The treasurer was thus left without redress; and, by the allowance of the "noveltie," a door was opened for future differences between him and the king.

These differences were not long of appearing. On 31st July 1601, the king, alleging the daily increase of the burden of the treasurer's office, and his care that the casualties of the office should be profitably used, appointed several persons to assist him. These were the Earl of Montrose, chancellor, Alexander Setoun, president of the College of Justice, Sir James Elphinstone, secretary, Sir George Home of Spott, Mr. Thomas Hamilton, lord advocate, Sir David Murray, comptroller, and Sir Patrick Murray of Midganyis. The treasurer was not to compose any signature or casualty concerning the treasury without the consent of three of these componitors. Further, he was to pass no signature of importance, such as gifts of wards, new infestments, escheats of earls, lords, barons, or their liferents, remissions or respites, till the advice of the king and the chancellor were obtained. There were other restrictions added to these. The king promised not to intronit with the casualties of the treasury till ordinary burdens of the office were paid. The rest were to be disposed of at his Majesty's pleasure.<sup>3</sup>

This new arrangement could not have been agreeable to Elphinstone, who had so shortly before resented interference with the privileges of his office. His resignation of the treasurership quickly followed. Spottiswoode says he resigned "upon an offence, as was thought, he conceived for adjoining some others unto him in the composing of signatures."<sup>4</sup> Whatever

<sup>1</sup> Original letter, in Elphinstone charter-chest.

<sup>2</sup> Register of the Privy Council, vol. vi. p. 212.

<sup>3</sup> *Ibid.* pp. 275-6.

<sup>4</sup> Spottiswoode's History, vol. iii. p. 101.

he felt, however, he did not resign on the ground stated by Spottiswoode, but "frelie and voluntarlie . . . at his Hienes speciall requeist and desyre." His resignation took place on 22nd September 1601.<sup>1</sup>

The reasons which influenced the king to act thus with one of his principal ministers of state can only be conjectured. The arrangements, favourable to Elphinstone, upon which he retired from office, show that he had not lost the royal favour. Other reasons must be sought for. At the time of his demission, the sum of £41,000 was due to the treasurer for his super-expenses, and there was ground to fear that when his accounts came to be audited that amount would be found to be considerably augmented. In addition to this large and increasing debt, there fell to be added the super-expenses of Walter, Lord Blantyre, the previous treasurer, which were not yet paid. The king's object then may have been that the casualties of the office might be more profitably used—one of his reasons for appointing assistant compositors. Another reason may have been a desire to promote Sir George Home of Spott, master of the king's wardrobe, who succeeded the Master of Elphinstone as treasurer, and who at the time and ever afterwards enjoyed a very marked degree of the confidence and favour of the king.

With a view to the repayment of the sums due to him, above mentioned, as treasurer, his eldest son, Alexander Elphinstone, as assignee for his father, received an assignation of the cunyie-house or mint till complete payment of them should be made. The assignation carried with it power to remove the officers of the mint and introduce others in their place, without prejudice of these officers, while this act lasted. In return for the assignation, Alexander Elphinstone, younger, was to relieve the king of £5000 yearly, the sum owing to the tacksmen of the mint. One of the provisions of the assignation was that one third of the spurious coin recovered was to be given to the treasurer, another third to his son, Alexander Elphinstone, younger,

<sup>1</sup> Register of the Privy Council, vol. vi. pp. 287-8.

and the remaining third to the informer. This assignation was renounced by parties on 1st December 1601.<sup>1</sup>

The act of council embodying this assignation, which is dated 22nd September 1601, was subscribed by the king, the chancellor, Alexander, Master of Elphinstone, as treasurer, James Elphinstone, secretary, and others.<sup>2</sup> As "Thesaurarius" Elphinstone appears on the sederunt of the meeting of council which passed this act, on the date mentioned. He also, as has been pointed out, subscribed the act as treasurer. This is the last occasion on which he acted as treasurer. In the next sederunt which appears in the register of the council, which is on 29th September, or seven days later, Elphinstone's name does not occur, and Sir George Home, although apparently not yet formally appointed, appears as treasurer.

On the same day, and at the same meeting of council, Mr. Robert Young, as procurator for Alexander, Master of Elphinstone, presented for registration an act of demission by the Master of his office of treasurer to be disposed of as the king should think expedient. The demission was subscribed at Dunfermline on 22nd September, before the Earl of Montrose, chancellor, Lord Fyvie, president, Sir James Elphinstone, secretary, and other two witnesses.<sup>3</sup> At the next meeting of council on 2nd October 1601, the appointment of Sir George Home of Spott, as treasurer, was announced.<sup>4</sup>

Although the Master of Elphinstone was now retired from the treasurer-ship, he still continued to be a privy councillor, and an extraordinary lord of session. He received the latter appointment in consequence of his being treasurer. But when he demitted that office at the king's request, his Majesty declared that the demission should not be prejudicial to him in the "brooking" of his office of one of the privy council, "and of his extraordinary place in the session." He was to "joyse the saidis officeis, hail honouris,

<sup>1</sup> Register of the Privy Council, vol. vi. p. 287; also pp. 314-315

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* p. 292.

<sup>4</sup> *Ibid.* p. 294.

liberteis, and privilegis and digniteis of the same," as freely as if he had not made that demission.<sup>1</sup>

The Master of Elphinstone continued to attend the council after this, although not with the same regularity. His designation now in the sederunts being "Master of Elphingstoun" and soon after, upon his succession to the peerage, it is "Elphingstoun."

Subsequent to the marriage of his daughter Annas to John, twelfth Earl of Sutherland, the Master of Elphinstone was brought much in contact with that earl, and afterwards with his son, the thirteenth Earl of Sutherland. On 19th February 1601 he was procurator for the earl, his son-in-law, in the council, in a question of precedence in parliament, which had arisen between the Earls of Sutherland and Caithness.<sup>2</sup> The good relations thus evinced between the two families of Sutherland and Elphinstone will be still more apparent in other references to them in a later page.

Since the year 1577, Alexander, Master of Elphinstone, had in his possession the whole Elphinstone estates, of which his father, Robert, third Lord Elphinstone, had divested himself in that year. In 1601 another arrangement of the estates was made. They were again resigned in the hands of the king on 24th March of that year, who, two days after, granted a charter conveying the liferent of the barony of Elphinstone to Robert, third Lord, and the fee of it to the Master of Elphinstone and the heirs male of his body. This charter also conveyed the lands and barony of Kildrummy to the Master of Elphinstone in frank tenement, and to Alexander his son in fee and heritage. It also contained a new erection of the two baronies.<sup>3</sup>

In the autumn of 1601, on 13th September, or nine days before his demission of the treasurership, the king granted to the Master of Elphinstone and Sir John Bruce of Airth, his son-in-law, a licence to hawk and hunt in

<sup>1</sup> Register of the Privy Council, vol. vi. p. 288.

<sup>2</sup> *Ibid.* p. 212.

<sup>3</sup> Register of the Great Seal, vol. vi. No.

1162. Precept of sasine under the testimony of the Great Seal, dated 26th March 1601, in Elphinstone charter-chest.

any part of the kingdom they pleased. This ample licence is dated from Falkland, and is subscribed by the king and his secretary.<sup>1</sup>

In the spring of the following year, fully six months after his demission of the treasurership, the Master of Elphinstone is again mentioned by the king, this time in a letter to the provost and bailies of Edinburgh. The letter states that Patrick Mortymer in Inzeane had been put to the horn and denounced rebel, at the instance of Robert Joussie. Commission had been granted to certain persons to apprehend Mortymer. By virtue of that commission the Master of Elphinstone, whom the king designs "our trustie and veilbelouit counsalour," had "taine and apprehendit our said rebell." The king charged the provost and bailies to receive Mortymer within their ward in the tolbooth of Edinburgh, and keep him there "in sure firmance," until he satisfied those having interest in the said lands. The king's letter is dated Dudhope, 23rd April 1602, and is subscribed "James R."<sup>2</sup>

The Master of Elphinstone granted a lease, with consent of Lord Elphinstone, his father, and Jane Livingstone, his spouse, to Thomas Drummond of Corskaple, of the east half of the town and lands of Easter Fedallis, Sillertounhill, and Meslingtoun, in the barony of Elphinstone and shire of Stirling, for three years. Drummond was to pay to the abbot of Lindores and his successors, fourteen pounds eight shillings for the feu maills of the said half lands, and twenty merks and thirty-two bolls of meal to the Master of Elphinstone. The lease is subscribed by the Master of Elphinstone and Jean Livingstone. There is also the following subscription:—"Robert, Lord Elphinstoun, with my hand at the pen led be the notaris vnder written at my command, because of my greait aige, seiknes and inhabilitie, I cannot wreit myself."

<sup>1</sup> Licence in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.* An order is given to the Marquis of Huntly, Lieutenant and Justice of the North, on 13th April 1602, to apprehend a Patrik Mortymer, servitor to the marquis, and others, as excommuni-

cated Papists. A commission had previously been given the Marquis for the same purpose [Register of the Privy Council, vol. vi. p. 366].

<sup>3</sup> Lease, dated 10th May 1602, in Elphinstone charter-chest.

Robert, third Lord Elphinstone, died eight days after making this declaration, when Alexander, Master of Elphinstone, succeeded him in the peerage and became fourth Lord Elphinstone, within a few days of his being fifty years of age. On the day of his father's death, the 18th of May, he was present at the meeting of the privy council held on that day at Holyroodhouse. In the sederunt of the meeting he is still called "Master of Elphinstoun."<sup>1</sup>

RELATIONSHIP OF THE EARLS OF SUTHERLAND AND THE LORDS ELPHINSTONE,  
FROM A.D. 1600.

The relationship which was formed between John, twelfth Earl of Sutherland, and Alexander, fourth Lord Elphinstone, by the marriage of the earl with Annas Elphinstone, the eldest daughter of his lordship, brought about real, intimate, and long continued friendship between the Sutherland and Elphinstone families. They corresponded together, exchanged visits, and consulted one another on their respective family matters. After the death of the earl on 11th September 1615, both Sir Robert Gordon of Gordons-town, tutor of Sutherland, the well-known author of "Genealogy of the Earls of Sutherland," and John, thirteenth Earl of Sutherland, reposed every confidence in Lord Elphinstone, and advised with him in all important matters affecting the young earl and his extensive estates. This continued to the close of Lord Elphinstone's life in 1638, after which the like relations still subsisted between the two families. Several particulars will be stated here to show the extent of these cordial relations, and also the deservedly great influence which Lord Elphinstone exercised over his grandson, the thirteenth Earl of Sutherland.

The procuratory given to Lord Elphinstone in the beginning of the year 1601, to maintain the precedence and ranking of the twelfth Earl of Sutherland in parliament and council has already been mentioned. The earliest

<sup>1</sup> Register of the Privy Council, vol. vi. p. 378.

household book of Lord Elphinstone commences in June 1602. His lordship, as shown in that book, visited the earl and his countess in August of that year. Setting out from Elphinstone in Stirlingshire on 26th July, he travelled by Brechin, and reached Kildrummy on the 28th. He remained at Kildrummy till 2nd August, when he journeyed to Sutherland by Elgin, Findrassie, and Inverness. From Kildrummy twelve men accompanied him. At Elgin he and his son lodged with the Earl of Sutherland. In Elgin his company was reduced from twelve to nine, and then to eight persons. When, however, he left Findrassie it was further diminished to four persons.

When in Sutherland, Lord Elphinstone paid a visit to Lady Jane Gordon, Dowager-Countess of Sutherland, and relict of James, Earl of Bothwell, where he gave money to his son, the Master, to play at cards, and "drink siluer" for the servants.

Lord Elphinstone left Sutherland on 17th August "towarttis hame." On that date he gave certain sums in Golspietower in name of "drink siluer" to the nurse, the steward, the cook, the women there, the porter, the baxter, the "breuster" and lardner man there.<sup>1</sup> Lord Elphinstone made a similar visit to Sutherland in September of the following year.<sup>2</sup>

On another occasion, in 1613, Lord Elphinstone was one of four arbiters to whom submission was made in questions pending between the Earl of Sutherland and Hugh Mackay of Farr, regarding the marches between Sutherland and Strathnaver. On that occasion the earl, his two brothers, and his two nephews, Donald and John Mackay, accompanied by a number of Sutherland gentlemen, visited Lord Elphinstone at Kildrummy Castle, where an amicable settlement was arrived at.<sup>3</sup>

Several of the Earl of Sutherland's letters to Lord Elphinstone, his father-in-law, are still preserved in the Elphinstone charter-chest. In these letters the Earl addresses Lord Elphinstone as "My lord and loueing

<sup>1</sup> Household Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> The Sutherland Book, vol. i. p. 183.

father," and subscribes himself "Youris lordschipsis maist affectionat sone to be commandit." The letters are addressed "To my gude lord and loueing father, my lord Elphinistoun."

The charter muniments of the Earl of Sutherland, which had already suffered some vicissitudes, upon the death of the twelfth Earl in 1615, for the purpose of protection from the Earl of Caithness and the laird of Duffus, or for some other reason, were removed to Kildrummy Castle to the custody of Lord Elphinstone. They remained there under the care of his lordship until the year 1628, at which time Lord Elphinstone appears to have still had some connection with Kildrummy. At that time, or soon afterwards, the Sutherland charter collections were removed to Elphinstone in Stirlingshire. They continued to be kept at Elphinstone during the lifetime of Lord Elphinstone, and were returned to Dunrobin about the period of his death. Charters and papers were readily given to the tutor of Sutherland upon his receipt from time to time as they were required.<sup>1</sup>

Lord Elphinstone took a warm interest in the education of his grandson, John, the thirteenth Earl of Sutherland. Countess Annas at first proposed to send the young earl to his lordship, but the Dowager Countess of Sutherland overruled this. In a letter to the tutor of Sutherland from George Gray of Swordale, the latter writes, "We heir say my Lord Elphinstoun thinkis to bring him to him self; alvayis it is overschoone yit to wair great expensis on his upbringing, for any learning he may be capabill off yit, he may get the samen in Suthirland."<sup>2</sup> On 2nd September 1617, Lord Forbes writes, "I heir my Lord Elphingstoune is nocht to cum north this vinter, but is duelling in the place of Arthe, and to be this winter in Stirling."<sup>3</sup> In February 1618, Sir Robert Gordon had written to Lord Elphinstone for his advice about the power of tacksmen to cut, sell or destroy the woods of the land which they had on lease. In the letter in which he states this,

<sup>1</sup> The Sutherland Book, vol. i. pp. xxxix, xl; also vol. ii. pp. 126, 127, 134, 135, 137, etc.

<sup>2</sup> The Sutherland Book, vol. i. p. 211.

<sup>3</sup> *Ibid.* vol. ii. p. 134.

he adds, "I lippen for my Lord Elphingstones comming north in March."<sup>1</sup> His lordship, however, did not go north then, for Sir Donald Mackay soon after, writing to Sir Robert Gordon, says, "My Lord Elphinstoune will nocht meitt you in Mar, bott he hes send word to Corrall and to Thomas Espline to delyver yow ony wrettis that you plais."<sup>2</sup>

In 1626, Lord Elphinstone employed his influence to have his nephew, a son of his sister, appointed as the earl's pedagogue. A year later, the earl entered the college of St. Andrews; and, as showing the influence which Lord Elphinstone had acquired over him, when his uncle, Sir Alexander Gordon of Navidale, who was one of his curators, visited him at St. Andrews and endeavoured to persuade him to go north, the earl refused to do so unless Lord Elphinstone sent for him.<sup>3</sup>

When King James the Sixth, upon his succession to the English throne, went to England, arriving in London on 7th May 1603, he left Queen Anne, his consort, in Scotland. During his absence from Scotland the king committed his son, Prince Henry, to the care and custody of the Earl of Mar. This arrangement was not satisfactory to the queen, who differed with the earl about the custody of her son. She, on 7th May 1603, proceeded to Stirling with a view to get the prince into her own keeping. She was, however, frustrated in her intention by Mar. The matter was soon amicably settled by an act of privy council. But while the queen was in Stirling with the intention referred to, Hamilton, Glencairn, Linlithgow, the Lord Elphinstone, and the Master of Orkney, came to Stirling "weill accompanied with their friends." They were refused admittance to the castle unless they entered with no more than two followers each. The council meeting afterwards in the castle directed that the four noblemen who had come to Stirling to the queen were not to repair within ten miles of the prince.<sup>4</sup> Lord

<sup>1</sup> The Sutherland Book, vol. ii. pp. 134, 135.

<sup>2</sup> *Ibid.* p. 137.

<sup>3</sup> *Ibid.* vol. i. p. 216; vol. ii. p. 149. Dunbar's Social Life in Former Days, second series, pp. 62, 63.

<sup>4</sup> Calderwood's History of the Kirk of Scotland, vol. vi. pp. 230, 231.

Elphinstone remained at Stirling until the 19th of May, when he went to Edinburgh.<sup>1</sup>

Lord Elphinstone was again in Stirling in the month of June on a visit to the prince, evidently the infant Prince Charles, afterwards King Charles the First, as Prince Henry left Edinburgh for England in charge of the queen on 1st June.<sup>2</sup>

In the year 1605, Lord Elphinstone's family were afflicted with the pestilence. Mr. Robert Bruce, minister in Edinburgh, preached to his lordship and Lady Elphinstone in the garden while they were so visited. Mr. Bruce had in July been charged by the chancellor, who acted by instruction from the king, not to preach till he was allowed to do so. The chancellor, however, relaxed this order, desiring him to desist preaching merely for eight or ten days. To this Bruce consented, but bitterly repented that he had done so. His preaching to Lord and Lady Elphinstone in the circumstances described was on the same week in which he had given his consent to desist preaching, and was in prosecution of a resolution he had come to not to obey such a commandment any more.<sup>3</sup>

About this time Lord Elphinstone received from the king a lease for five years to himself, his heirs and assignees, of the wood and forest of Torwood. In the letter of the king containing the grant of the lease, which is superscribed by his Majesty and subscribed by Lord Fyvie, and other three of the council, authority was given him to keep the forest, and pasture his cattle in it. He was, however, not to have liberty to cut or destroy any part of the growing trees, but to keep and "hayne" the ground of the forest for the increase of the young growth. He was to pay for the lease to the king fifty carcasses of beef, together with one carcase in augmentation of the old rental yearly.<sup>4</sup>

<sup>1</sup> Household Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.* The Book may have contained other entries relating to this visit to the

prince, but several leaves which had been written upon have been torn out of it.

<sup>3</sup> Bruce's Sermons and Life, by Wodrow. Wodrow Edition, pp. 122, 123.

<sup>4</sup> Letter, in Elphinstone charter-chest.

## THE ELPHINSTONE AISLES AT AIRTH AND KILDURMUMY, ANTE 1593 AND 1605.

The churchyard at Airth was chosen by the Elphinstone family as their place of sepulchre. There they built an aisle known as the Elphinstone aisle. When and by whom this building was erected is not ascertained. In 1593 a stone was built into the gable wall of the aisle. This stone bears a shield of arms with the letters A.M.E. on the one side, and LL.ME. on the other, representing respectively Alexander, Master of Elphinstone, and his wife, Jane Livingstone, Mistress of Elphinstone.

In or about the year 1605, Alexander, Lord Elphinstone, built an aisle at Kildrummy as another place of sepulchre for the Elphinstone family. Already several of his children had died and were buried at Kildrummy, probably in the church or churchyard of the parish.<sup>1</sup> It was proper that the owner of such a princely estate and castle as Kildrummy should have a family vault, where the interment of successive generations of his family might take place.

The church of Kildrummy is almost a mile from the castle, which had been the northern residence of the Elphinstone lords for nearly a century. Adjoining the church, and within the churchyard, is the aisle erected by Lord Elphinstone, a colotype representation of which is here given. There is a window placed immediately above the door of equal breadth with it, and in height about two-thirds its own breadth. On the upper lintel of this window is the following inscription in raised letters:—

“Yis yle vas built be A. E. in  
160[5] yeirs. Lord Bliss us.”

The last figure of the date in the inscription is worn away. But a stone close to the west of the door perhaps furnishes a clue to the missing

<sup>1</sup> A church and churchyard once existed at the north-east side of the close of Kildrummy Castle, but there is no evidence that they were used by the Elphinstones.





figure. On this stone, in antiquated figures, the date 1605 is incised, probably before the final figure in the inscription was effaced. The corbel on the east side of the aisle bears on it, in similar raised letters, the initials I. L., and below them A. E. The corbel on the west side has the same raised initials, and in the same juxtaposition, with the exception of the letter I. before L., which in this case is wanting, and has probably been worn away. These initials represent respectively the names of Lord and Lady Elphinstone—Alexander Elphinstone and Jane Livingstone.

During the twenty-one years in which the Elphinstone family resided at, and were the proprietors of, Kildrummy, subsequent to the erection of the Kildrummy aisle, several interments of members of the family were made in it. Monumental stones were erected within the aisle to commemorate these and other children of Lord Elphinstone whose death was prior to the erection of the aisle, and who were buried at Kildrummy.

One of these stones, a colotype picture of which is here given, is to the memory of William, Patrick, and David Elphinstone, the third, fourth, and fifth sons respectively of Lord Elphinstone. The following is the inscription around the border of the stone:—"Villiam, Patrik, and David Elphinstovns, [sones of Ale]xander, Lord Elphinstovn." Immediately under the circumscription at the top of the stone are the Elphinstone armorial bearings. The lower part of the stone contains three effigies. Each has the initials of his name over his head, viz., "V. E., P. E., D. E." The effigy of David is the smallest of the three.

Another monumental stone in the Elphinstone aisle at Kildrummy was erected to Lues Elphinstone of Bothkennar. His death by drowning on 31st May 1616 is related in the notice of him in a subsequent page. The upper half of the stone contains the heraldic bearings of the Elphinstone family. The crest is a lady, holding a castle in her left hand, with a scroll above her head, containing the motto "Cavs Cavsit." Around the border of the stone, and on the lower half of it, is the inscription, "Heir lysis ane

wor[thi]e g[entle]man Master Lo[uis] Elphin[s]t[ovn, sone of] Alexander Lord Elphinsto[vn], qvha departit fra yis [li]fe ye last of Mai . . .”

Other two monumental stones in Kildrummy aisle remain to be described. One of these, a collytype of which is also here given, is erected to Thomas Esplein, who resided at Newbigging, near Kildrummy, and was chamberlain to Lord Elphinstone. He entered his lordship's service in 1580, at the age of fourteen years, and continued with him for fifty or fifty-six years, until his death in 1630 or 1636. He was a faithful servant of the family. Thomas Esplein and Alexander Lynton, who was the trusted “servitour” of the fourth Lord, and of his son Lord Kildrummy, appear to have been related by marriage, as the former in his letters to the latter calls him his “louiffing brother.” Esplein obtained leases of Newbigging and other lands from Lord Elphinstone. In the agreement with Lord Mar in 1626 these leases are excepted from the warrandice by Lord Elphinstone, showing that in giving up Kildrummy he did not overlook the interests of his faithful servants.

The inscription on his tombstone is as follows:—

“ . . . Befor yis lysis Thomas Esplin, qvha enterit in service vith Alexander Lord Elphenstovne in to ye zeir of God 1580 zeirs. He being of ye aig of fovrteine zeirs, and remenit in his lordschep's service gr[ev]je in Keildreme [to] ye zeir of God . . . 30 zeirs.”<sup>1</sup>

The last stone to be noticed is a slab or table stone, to the memory of Janet Forbes, the wife of Thomas Esplein, whose services are recorded on the floor of the aisle. The inscription is in the following terms:—

“Heir lysis ane honost vertuis voman, Janet Forbes, spouse to Thomas Esplein in Nev Biging, quha departed this lyfe the zeir of God<sup>2</sup> . . . Blist ar thay yat dies in the Lord. They rest from thair labours and thar warks folow them. This veyghte ston doth her contian, earth grytest los, heavins grytest gain. Hir glas is run, hir tym vas Vortie spendet. Hir fame stil leaves, tho yat hir days be endet.”

<sup>1</sup> The “30” is uncertain, the “0” may be a “6.”

<sup>2</sup> A blank is here left on the stone for the date, which appears never to have been inserted.



ANNO DOMINI  
1600  
TAS MESTER  
SUNT VITAE  
SERVICIUM  
AVOER LORDI  
HEMSTO VETIO

GENE  
1600  
IT  
EBE  
OPERTIO OFTIR  
VENERANDA  
IN HIS  
CORPUS SERVICE  
ARENDRE  
SERVICIO



The Elphinstone aisle at Kildrummy was restored in 1862, when a tablet was inserted in the upper niche above the door of the aisle, and immediately above the inscription as to the building of the aisle already described. On a shield on this tablet is the inscription, "Restored by William, 15th Lord Elphinstone, 1862."

## TRIAL OF MINISTERS AT ABERDEEN ASSEMBLY, 1607: PASS TO ENGLAND, 1608.

In 1606 Lord Elphinstone acted as an assessor at the trial of the ministers concerned in the Aberdeen Assembly.<sup>1</sup> In terms of a royal letter and a ratification of it by the council imposing the oath of allegiance and acknowledgment of the royal supremacy on Scotsmen in civil or ecclesiastical office, Lord Elphinstone, in company with the Marquis of Huntly, the Earl of Mar, and the commendator of St. Colme, gave his oath of allegiance at Edinburgh on 23rd June 1607.<sup>2</sup>

In the autumn of 1608 his lordship had occasion to go to court in England. He received a pass for this purpose from the Earl of Dunfermline, the chancellor, giving him every facility for travelling. This pass was followed by another one a fortnight later, this time granted by the Earl of Dunbar, at Whitehall, instructing the mayors, sheriffs, etc., to furnish his lordship with all diligence with five good and sufficient post-horses and a guide from stage to stage.<sup>3</sup>

Lord Elphinstone, along with Sir Robert Melvill and two others, in December 1609, was removed from being an extraordinary lord of session, but with two others was restored the next month.<sup>4</sup> Lord Elphinstone

<sup>1</sup> Calderwood's *Historie*, Wodrow Edition, vol. vi. p. 388.

<sup>2</sup> Register of the Privy Council, vol. vii. p. 395.

<sup>3</sup> Passports, dated 27th October and 9th November 1608, in Elphinstone charter-

chest. In the Register of the Privy Council (vol. viii. p. 185) is the following entry, "Licence to the Lord Elphinstone to go to court."

<sup>4</sup> Calderwood's *History*, vol. vii. pp. 53, 54.

appears to have continued to hold a place on the bench till 1626, when his name is omitted in a new commission then granted.<sup>1</sup>

#### HOUSEHOLD BOOKS.

The Elphinstone family household and other books have already been mentioned, and excerpts given from them in the pages of this memoir. A more particular notice of them, however, will be proper, so far at least as they relate to Alexander, fourth Lord Elphinstone, or come within the scope of his memoir. These books commence at the time of his lordship's succession to his father, Robert, third Lord Elphinstone, in the Elphinstone peerage, and he appears to have been the first of the family to keep such books. Those preserved among the Elphinstone muniments embraced in the period of his lordship's life are nine in number. They include account books and coal books, etc.; and some of them relate to Alexander, Master of Elphinstone, afterwards fifth Lord Elphinstone, and are made use of in his memoir. The nine books, varying considerably in size and thickness, range under the following dates:—1602-1604; 1606-1607 and 1622-1626; 1610-1613, the expenses of the fifth Lord at Rossie; 1613-1614, small accounts; 1614, mails of Kildrummy; 1614-1616, the chamberlain of Kildrummy's accounts; 1616-1619, Lues Somerville's accounts; 1616-1621, coal book; and 1629-1633, Lord Elphinstone's accounts; and the last book of the period, 1635-1641.

Lord Elphinstone, like the twelfth Earl of Sutherland, his son-in-law, and some other noblemen of his day, was privileged with a residence in the abbey of Holyroodhouse. When the family first obtained a residence there is uncertain, but his lordship enjoyed the privilege when he became fourth Lord Elphinstone in 1602, and continued to do so to the close of his life. One of the conditions of occupancy appears to have been the keeping in good

<sup>1</sup> Senators of the College of Justice, p. 242.

repair the portion of the building in which he dwelt, and there are many entries in the household books relating to repairs of his part of the abbey in 1604, and especially in 1617.

The repairs executed in 1617 were undertaken by Lord Elphinstone in anticipation of and preparation for the visit of King James the Sixth to Scotland, which took place in May of that year.<sup>1</sup> The king had been absent from Scotland for fourteen years, and extensive and elaborate preparations were everywhere being made for this visit. The king estimated that his retinue on the occasion would extend to about five thousand persons, and there was difficulty in finding accommodation in Edinburgh for so many persons. His Majesty communicated his desire to have the use of Lord Elphinstone's house at Holyrood for some of his train. His lordship, while desiring a part of his house there to be reserved to himself to enable him to attend upon the king, readily and loyally offered to entertain any of the king's train as his guests. The offer of Lord Elphinstone was made at a meeting of the privy council held at Edinburgh on 27th February 1617. The Register of Privy Council proceeds:—

"The quhilk day Alexander, Lord Elphinstoun, compeirit personalie befor the counsaill, and he being desirrit, according to his Majesteis missive letter direct to the Lordis of Secret Counsaill, that his Majestie might haif the use of his house at Haliruidhous for the more commodious ludgeing of some of his Majesteis tryne during his Majesteis aboade at Haliruidhous, the said lord declairit that not onlie that house bot all his otheris housis sould be at his Majesteis commandment, and that he had a purpos him self to attend his Majestie at Haliruidhous, and, yf it might stand with his Majesteis pleasour that a part of this house [be] reservit to him self, he wald verie willinglie . . . the same suche of his Majesteis tryne as his Majestie suld injoyne . . . , and that he sould mak thame the best interteynment he could. Quhilk being hard and considerit be the lordis, they ordanit the Secretair to mak his Majestie acquentit thairwith."<sup>2</sup>

<sup>1</sup> Other considerable repairs on the palace and chapel of Holyrood were executed at the king's charges simultaneous with those made by Lord Elphinstone, and for the same reason.

<sup>2</sup> Register of the Privy Council, vol. xi. pp. 52, 53.

Returning to the household books of Lord Elphinstone, they contain numerous entries of payments for carrying barrels of ale to the abbey, which show that this beverage was largely used at this period. The ale used by his lordship was brewed at Elphinstone by his own cook; it was from thence conveyed to Leith by boat, and from there it was brought to Holyrood. Coal, malt, and meal for Lord Elphinstone's house at the abbey of Holyrood were brought from Airth, and by the same means of transit.

His lordship frequently remained for a night or longer at Linlithgow Palace. On 29th August 1603, on one of those occasions, having arrived from Edinburgh, he stayed the night in the palace, when mention is made of suppers and beds for five gentlemen there. He afterwards took journey from Elphinstone to Kildrummy and Sutherland. Travelling from thence south to Edinburgh, he, on 24th November, rode from there to the council at Stirling, accompanied with twenty-four horse. On 8th December, Lord Elphinstone was still at Stirling, "at the counsaill," and on the 9th he is entered in the household book as receiving forty shilling "to play at the cairttis." The same day the Master of Elphinstone received twenty-six shillings and eight pence "to play att the cairttis with your lordschip, the secretar, and advocatt."

Lord Elphinstone was an occasional visitor of his brother, Secretary Elphinstone, at his residence at Barnton, near Edinburgh. When there he attended the parish church at Cramond. At the end of June or the beginning of July 1602, his lordship and his men of law were in the secretary's house drinking a pint of wine. Many years after, in September 1617, another visit to Barnton was in part devoted to playing cards, this time with more money to lose than on the occasion at Stirling just mentioned.

Mention is made in the household books of the Elphinstone family of books purchased by Lord Elphinstone from time to time. One of these, which he bought on 13th November 1616, is described as "ane litell buik" "callit Poletick Morall and Civell Discoursses." Another procured at the

same time is "callit the Kingis Speitches in the Star Chalmer." A third, bought in the following January is "A buik of the conversioun of a Roman bischop."

A "haiknay" carriage was purchased for Lady Elphinstone in December 1602, the price of which was one hundred and eighty-six pounds. Lord Elphinstone had repairs made upon his "gown of blak figurit velwat," probably his robe as a lord of parliament, on 7th April 1604. In April 1618, he had a drawing made of his own and Lady Elphinstone's armorial bearings and coloured. There are constantly recurring entries as to money given to the church "brod," and also as to money given to the poor. Other payments include sums of money given to "My Lord Athollis fuill," and on other occasions the entry occurs when making visits, "to ane foull thair." There are likewise payments made occasionally to "James Reid, clarster" and to "ane Irland clarster."

## EVICTION FROM KILDRUMMY, 1626.

Alexander, fourth Lord Elphinstone, who had been so fortunate as to become one of the highest ministers of the crown, was unfortunate in having to part with the lands, barony, and castle of Kildrummy, which formed the most important, valuable, and historical portion of the Elphinstone estates. Kildrummy had now been in the possession of the Elphinstone family since the time of Alexander, first Lord Elphinstone, and inherited by direct lineal succession from father to son. That lord, on 19th July 1508, received the dominical lands of Kildrummy, the New, and other lands enumerated in his Memoir, from King James the Fourth and Queen Margaret, as dowry with Elizabeth Barlow, Lady Elphinstone, his wife. He at the same time received the custody of the castle of Kildrummy, and the gift of the chaplainry of Den. The lands and castle so acquired formed a part of the ancient and extensive earldom of Mar in the shire of Aberdeen.

Alexander, first Lord Elphinstone, had already, the year before, or in 1507, received from the same royal benefactors another part of that earldom, the lands and barony of Invermochty. These were in 1513, along with Kildrummy, incorporated into one barony called the barony of Kildrummy, with the castle of Kildrummy as the principal messuage.

This large and important barony, which added much to their position and influence, continued to be owned by the family of Elphinstone until the year 1626, a period of at least one hundred and eighteen years. In that year, however, by an agreement shortly to be described, then entered into, it passed from the possession of the Elphinstone to that of the Mar family.

Prior to the territorial earldom of Mar being granted by Queen Mary, in 1565, to John, Lord Erskine, who was created the first Erskine Earl of Mar, grants of lands within the earldom had been made to different persons, including Alexander Elphinstone, afterwards first Lord Elphinstone, as above stated. No objection was then taken by Robert, third Lord Elphinstone, who was himself an Erskine, by his mother, Catherine Erskine, to the grant made to Lord Erskine, and no difference then arose between the two families about the Kildrummy portion of the earldom of Mar owned by Lord Elphinstone.

Previous sovereigns, indeed from King James the First down to Queen Mary, held and treated the old territorial earldom of Mar as their own heritable property. Several younger members of the royal house of Stuart were created Earls of Mar all unchallenged. Even the illegitimate Regent Murray was previously created Earl of Mar by his sister Queen Mary. But, in the parliament of King James the Sixth, held at Edinburgh on 29th July 1587, at which the king himself was present, taking advantage of his high position, and personal friendship of his royal school-fellow, John, second Erskine Earl of Mar, succeeded in obtaining an act of parliament giving him right to the whole lands of Mar and Garioch wherein Isabella Douglas, Countess of Mar, had died possessed, notwithstanding any exception

of prescription or lack of possession which might be alleged against him. This act was declared to be without prejudice of all other lawful defences competent to those having interest.<sup>1</sup>

The act of parliament was followed on the same day by protests lodged by those who owned parts of the earldom of Mar, and who considered their right to these parts to be now in danger. The laird of Pettarro, and the Earl of Huntly and his friends, each lodged protests.<sup>2</sup> Mr. James Elphinstone of Invernochty also protested on behalf of Robert, third Lord Elphinstone, his father, that the act should be no prejudice to his lordship's right and title of the lands and lordship of Kildrummy. He also protested that Lord Elphinstone should be heard in his own defence when called upon.<sup>3</sup> There is, however, nothing to show that Lord Elphinstone was ever heard upon the subject of his protest.

On 20th March 1588-9, the Earl of Mar, following up the advantage which the act of parliament of 1587 gave him, expedite a service in his own favour as nearest lawful heir in general of Isabella Douglas, Countess of Mar.<sup>4</sup> He also obtained a charter from King James the Sixth, dated 3rd February 1620, of the earldom of Mar and lordship of Garioch,<sup>5</sup> of which earldom the lands, lordship, and castle of Kildrummy formed an important part.<sup>6</sup>

Until the year 1624, however, there does not appear to have been any

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iii. pp. 475, 476. Mar Peerage Minutes of Evidence, 1870, pp. 436-438.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. iii. pp. 476, 477.

<sup>3</sup> *Ibid.* p. 477. Mar Peerage Minutes of Evidence, 1868, pp. 75, 138. <sup>4</sup> *Ibid.* 1870, p. 520.

<sup>5</sup> *Ibid.* 1868, p. 153.

<sup>6</sup> Prior to the year 1620, or at least in the years 1616, 1617, and 1618, friendly relations subsisted between the two families of Mar and Elphinstone. Lord and Lady Elphin-

stone made visits to Alloa during these years, and Lord Mar made return visits to Lord Elphinstone. There were also other interchanges of a friendly character between them. Thus, on 30th October 1616, Lady Elphinstone stayed a night at Alloa, when payment was made of x lib. to "my lordis of Maris Maister Household, to pairt among the servandis." The Elphinstone household books, which inform us of this visit, record other visits to Alloa. In March 1617, a payment was made to "Robert MacCapie, the cuik,

formal claim to Kildrummy by the Earl of Mar. In that year he brought an action of reduction against Lord Elphinstone, Alexander, Lord Kildrummy, the Master of Elphinstone, his son, and Dame Elizabeth Drummond, his spouse. It was sought by this action to have Lord Elphinstone's right to Kildrummy reduced and annulled, and the barony shown to belong to the Earl of Mar.

Lord Elphinstone and his son, Lord Kildrummy, determined to dispute the sweeping claim of Lord Mar. In a letter to the Marquis of Hamilton they complained that their opponent was actuated in the matter by malice against them, and they engaged to defray any expense which the Marquis should incur in defending their rights. Eminent counsel at the Scottish bar were employed in pleading the respective cases of both parties to the action. Preliminary questions were discussed and decided before the merits of the question were finally reached; and it was not till the year 1626 that the lords of session decided the case in favour of the Earl of Mar. The practical effect of the judgment of the court of session was that King James the Fourth inherited no lawful right of property in the lands, lordship, and castle of Kildrummy, and therefore could not legally bestow these subjects upon Alexander, first Lord Elphinstone.

Confronted with such a formidable opponent as John, Earl of Mar, and a judgment of the court of session in his favour, it became manifestly the best policy of Lord Elphinstone and his son Lord Kildrummy to effect an amicable settlement with Lord Mar.

Such an arrangement was ultimately made between the families of Mar and Elphinstone by a formal agreement entered into by them for the purpose of transferring the right and possession of the lands and barony of Kil-

for dressing your lordschipis super, quhen the Earll of Mar was with your lordschip." After this, Lady Elphinstone got the loan of Lord Mar's coach "to ryd to the toun," and again, "wenisou" was brought to Lord Elphin-

stone "fra my lady Mar." There is also evidence of visits made to Alloa in April and August 1618, in the one case by Lord Elphinstone, and in the other by Lady Elphinstone.

drummy from Lord Elphinstone and his son Lord Kildrummy to the Earl of Mar and his son Lord Erskine.

After such a lengthened possession of the barony of Kildrummy by four Lords Elphinstone successively, from the time of King James the Fourth, till the decret of the lords of session in 1626, in the reign of King Charles the First, being a period of a hundred and twenty years, it was unexampled for any loyal subject to be thus stripped of his property.

It must have been with a bitter pang that the now aged Lord Elphinstone, and his distinguished son, Lord Kildrummy, surrendered a barony which had so many associations connected with their family. The outstanding monument of the Elphinstones at Kildrummy, the aisle built by the fourth Lord and Lady Elphinstone in 1605 as an addition to the parish church and as a family final resting-place, in which several of their children and friends were interred, made the very dust of the place dear to the pious founders, who invoked the Divine blessing on that foundation.

But for the sake of peace and the avoidance of future strife with their Erskine relatives, the litigants deemed it prudent to make the surrender of Kildrummy. The spirit in which this mutual arrangement was effected is set forth in the preamble of the formal deed of arrangement in the following terms:—

“John, erle of Mar, and John, Lord Erskene, his sone, remembering the strait band of blood and consanguinitie standing betuixt thame and the said Alexander, Lord Elphinstoun and his said sone, they being laitie come and discendit of the said hous of Mar, and in respect thair of and for obteneing possessioun of the saidis landis and barronie without pley and questioun, and to the effect they may bruik the samen with the gudewill, benevolence, blissing and benedictioun of the saidis Alexander, Lord Elphinstoun, and Alexander, Maister of Elphinstoun; thairfoir the said John, erle of Mar, wes maist willing to gif some ressonabil satisfactioun to the saidis Alexander, Lord Elphinstoun, and Alexander, Maister of Elphinstoun, for thair kyndnes, gudewill, and possessioun of the saidis landis and barronie of Kildromie, and to gif to thame the

worth of the rightes and patronages of the saidis kirkes . . . and also the worthe of the takis of the saidis teyndis and worth of the saidis conquest landis.”<sup>1</sup>

Arbiters were mutually named by the respective parties. In implementing the decision of the arbiters, Lord Mar paid Lord Elphinstone 48,000 merks Scots to obtain peaceable possession of the whole subjects in dispute. Lord Elphinstone and his son obliged themselves to remove from the lands and barony of Kildrummy, and from the castles of Kildrummy and Corgarff, and to deliver the keys of the same to Lord Mar.<sup>2</sup>

Under this mutual arrangement the Earl of Mar obtained the barony and castle of Kildrummy. He and his descendants continued in the possession of these until 1715, when John, Earl of Mar, unfurled the standard of rebellion on “the Braes of Mar,” and also fulminated a manifesto against the reigning sovereign, King George the First, in favour of the prince whom he wished to make King James the Eighth of Scotland. To awaken sympathy in the Highlanders, that manifesto was dated from the old castle of Kildrummy. Thus, by an act of rebellion, the Earl of Mar forfeited his extensive earldom of Mar, including Kildrummy, after having possessed it for fewer years than the latter was held by his rivals the Elphinstones.

It was not till the year 1824 that the title of Earl of Mar was restored to a descendant of the forfeited earl. But the territorial earldom of Mar was never restored, and passed into the hands of strangers by purchase.

RETOURS OF SERVICE OF THE FOURTH LORD IN 1619 AND 1629 :  
PARLIAMENTARY APPOINTMENTS, ETC., AND HIS DEATH, IN 1638.

In the reign of King Charles the First, several Scottish noblemen and barons of ancient lineage expedite retours of general service to remote ancestors. On 4th November 1629, Alexander, fourth Lord Elphinstone, followed the fashion of the times in that respect, by expediting a general

<sup>1</sup> Mar Peerage Minutes of Evidence, 1868, p. 183.

<sup>2</sup> *Ibid.* pp. 183-196.

service to Sir John Elphinstone of that ilk, *abavus*, great-great-grandfather of Alexander, then Lord Elphinstone, as nearest and lawful heir to the said deceased John, Lord of Elphinstone.<sup>1</sup>

On the same date, 4th November 1629, Lord Elphinstone expedes a general service as nearest and lawful heir of Lord Elphinstone, his *proavus*.<sup>2</sup>

Also on 4th November 1629, Alexander, fourth Lord Elphinstone, expedes a service to the deceased Alexander, second Lord Elphinstone, his *avus*, grandfather, as his nearest and lawful heir.<sup>3</sup>

Previously, on 19th January 1619, Alexander, fourth Lord Elphinstone, expedes a special service to Robert, third Lord Elphinstone, his father, in the lands of Airthbeg, now called Elphinstone, in the barony of Polmaise-Cunninghame by annexation, and within the shire of Stirling. The retour bears that Robert, the third Lord Elphinstone, father of the fourth Lord, died in the month of May 1602, and that the lands had been in non-entry since for seventeen years.

Lord Elphinstone, although never taking a very active part in public affairs in the country after retiring from the treasurership, held several appointments, and attended in parliament on different occasions. He was commissioner for holding parliament in 1600, as already mentioned. He also held a similar appointment in the years 1604 and 1606. He was in 1604 a commissioner to treat for a union of Scotland with England. He was a lord of the articles 1604 and 1607; a commissioner for planting kirks in 1617; and on a parliamentary committee in 1622. He also attended parliament, besides the years already mentioned, in the years 1617, 1621, and 1625.<sup>5</sup> On 14th June 1633 he gave a procuratory to his cousin, John, Lord Balmerinoch, to represent him and to act and vote for him in parliament.

In the procuratory addressed to King Charles, Lord Elphinstone calls

<sup>1</sup> Extract retour of general service in Elphinstone charter-chest.      <sup>2</sup> *Ibid.*

<sup>3</sup> Extract retour, *ibid.*

<sup>4</sup> Original retour, *ibid.*

<sup>5</sup> Acts of the Parliaments of Scotland, *passim*.

himself the king's humble and obedient subject, and relates that being eighty-one years of age and over, and weak and unable through age to compear in the parliament then to be held at Edinburgh, for due obedience he appoints the procurator mentioned. The sederunt of this 1633 parliament contains the words "Elphingstoun be Balmerinoch his procurator."<sup>1</sup> Balfour in his Annals mentions Lord Elphinstone as present at the riding of this parliament as well as Lord Balmerinoch.<sup>2</sup> But this may be a mistake. In 1632 Lord Elphinstone contributed a hundred merks towards the building of a library within the college of Glasgow, furnishing it with books, and otherwise enlarging the fabric of the college.<sup>3</sup>

Lord Elphinstone died in the year 1638. The family Birthday Book records the event in the following words, "And this Lord died in Elphinstoun, on Sondag the 14 Januare 1638."<sup>4</sup> In the inventory of his effects taken at the Place of Elphinstone, and dated 16th February 1638, and in his testament-dative, given up by Colonel William Baillie, as creditor, and confirmed on 7th March 1638, his effects are given. These amount to very little. They consist of his clothes, including "ane blak satyne clok richlie wrocht all throw withtout witht blak silk pasmentis, and lyned within with blak satine," and other garments, some of which are "richelie wrocht our." His effects also embrace "ane grite myrroure glass; ane brasin knob to stand on ane table; ane Bybell of the new translatioun witht the Psalmes in meter; the first tombe or volume of the Paraphrases of Erasmus on the New Testament; Parkanes Wark, the first volume; Mr. Smythe's Sermones; Davidis Prayers, wretin by Harwode; the Practise of Pietie; the Gyde to Trew Blissidnes," and other three books. Among the few remaining articles enumerated may be mentioned "the said vmquhile

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 95; vol. v. p. 8. Extract procuratory, dated Elphinstone, 14th June 1633.

<sup>2</sup> Balfour's Annals, vol. iv. p. 361.

<sup>3</sup> Munimenta Universitatis Glasguensis, vol. iii. p. 468.

<sup>4</sup> Birthday Book, in Elphinstone charter-chest.

noble lordis gold signet and regnne, witht his armes cutt and sett in stane within the same.”<sup>1</sup>

From this enumeration of his effects it will be seen that Lord Elphinstone is an example of the honesty and poverty of a lord treasurer of Scotland who did not enrich himself with the spoils of office, the country, upon his retirement in 1601, being indebted to him in the large sum of £41,000.

There is a full-length portrait in oil of Alexander, fourth Lord Elphinstone, preserved at Carberry Tower, in the possession of the present Lord Elphinstone. It bears to have been painted in 1626, the year in which his lordship surrendered Kildrummy. At the top of the painting on the dexter and sinister sides respectively of the head, is the following inscription:—

ÆTATIS SVÆ · 74 ·	L
OCT · 1626 ·	A E
	NATVS · 28 MAII · 1552 ·
	VXOREM · DVXIT · 29 MAII · 1575 ·

The painting shows Lord Elphinstone to have been, at the time the picture was taken, a tall, conspicuous, and commanding figure, with high forehead, small penetrating eyes, and a white flowing beard. His left hand rests on a table, close to a book with clasps, in an upright position. Other books lie on another part of the table. His lordship has upon him long figured dark-coloured robes, apparently robes of office. He holds in his right hand a long slender rod.

Lord Elphinstone was predeceased by his wife, Jane Livingstone, Lady Elphinstone. She died at Elphinstone on 15th September 1621.<sup>2</sup>

While the Elphinstone charter-chest is so fully stocked with epistolary correspondence in the time of the fourth and fifth Lords, it is remarkable that the heroine of nineteen children, and the mother of the good fifth Lord, should

<sup>1</sup> Testament-dative, and Inventory of the personal effects of Alexander, fourth Lord Elphinstone, in Elphinstone charter-chest. The Inventory is printed at length in the

Ninth Report of the Commissioners on Historical Manuscripts, Part ii. p. 194.

<sup>2</sup> Birthday Book in Elphinstone charter-chest.

only be represented by the following single short letter, addressed by her from Elphinstone on 1st March 1618, to Alexander Lyntoun :—

“TRAIST FREIND, Ye sall aduerteis me quhat ye haif done with the Lady Brughtoun anent that siluer quhilk lvis vnprofitabillie in hir handis. I wald haif yow to go to hir and sie gif she will pay the anvelrent plesandlie, seing sche kenis now that we sould haif it ; and gif sche will not, I wald haif yow to rais lettrez vpoun the decreit, and chairge hir. So to your awin discretioun, and ansuer with the beirar, I rest, your gude freind at pouer,

*Jane, Ladie Elphinstone*

*Alex Elphinstone*



Alexander, fourth Lord Elphinstone, by his marriage with the Honourable Jane Livingstone, had fourteen sons and five daughters.

1. Alexander Elphinstone, afterwards fifth Lord Elphinstone, of whom a memoir follows.
2. Mr. James Elphinstone of Barnis "was borne in Kildromie the 20 of November 1580." His father's Household Book shows that he visited Rome in 1603. He returned home before the close of 1605, as on 16th December of that year he obtained from John Bisset of Quarrell a charter of Chirriemurelands in Stirlingshire.<sup>1</sup> Mr. James Elphinstone owned the lands of Quarrell in Stirlingshire, and took his territorial designation from them. On 3rd July 1610, in a charter which he witnessed, he is designated "M. Jacobo Elphinstoun de Quarrell."<sup>2</sup>

He married Katherine Gordon, daughter of James Gordon of Lesmoir. By his marriage contract his father and his elder brother infested him and his spouse, in Balnaboith, Croftmorail and other lands in Kildrummy. In terms of a backbond, given on 18th November 1613, he restored these lands, which were granted only to further the marriage.<sup>3</sup> By a new arrangement, he received a charter of the same lands in feu, heritably, conform to the conditions therein stated. The renunciation reciting these arrangements, in which he calls himself Mr. James Elphinstone of Quarrell, is dated at Elphinstone 27th April, and registered at Edinburgh 27th May 1619.<sup>4</sup>

He acquired Ardhuncher, Brigend of Mossat, and other lands in the barony of Kildrummy, by contract with John Elphinstone of Creichie, in which he is designated "the richt honourabill James Elphinstoun of Barnes."<sup>5</sup>

On 27th October 1619 he resigned Quarrell and Easter Skaithmure, in Stirlingshire, in favour of Lord Elphinstone.<sup>6</sup> His new designation of Barnis he took from lands in the parish of Migvy and Tarland, in Aberdeenshire.

The laird of Barnis became tutor to his nephews, James and Alexander Elphinstone, on the death of their father, John Elphinstone of Warthill.<sup>7</sup> His first wife having died, he married, secondly, Helen Forbes, daughter of the Laird of Brux. On 15th September 1625, he and Helen Forbes, his

<sup>1</sup> Charter of confirmation, dated 22nd February 1627, in Elphinstone charter-chest, also Register of Great Seal, vol. viii. No. 1034.

<sup>2</sup> Register of Great Seal, vol. vii. No. 844.

<sup>3</sup> Copy bond in Elphinstone charter-chest.

<sup>4</sup> Extract registered renunciation, *ibid.*

<sup>5</sup> Contract, dated Aberdeen, 21st May 1619, *ibid.*

<sup>6</sup> Inventory of Elphinstone writs, *ibid.*

<sup>7</sup> Service of tutory, 13th February 1622, and relative writs, *ibid.*

spouse, received a charter from John, Earl of Mar, and John, Lord Erskine, his son, of the lands of Balnaboith, Blewmylne, and others.<sup>1</sup>

In the beginning of 1628, his health giving way, he made a settlement of his affairs. On 14th April he gave up his testament at Kildrummy. His death took place between that date, when he describes himself as "seik and waik in bodie," and 6th May following, when, in an inventory of his plenshing, he is called "vmquhill Mr. James Elphinstoun of Barnis."<sup>2</sup>

In his testament he ordained his body to be buried in the aisle of Kildrummy, and nominated Michael Elphinstone, his brother, and Thomas Esplein of Newbigging, his executors. The former of these he also nominated tutor to his son and two daughters. Both were to make count and reckoning to Lord Elphinstone, the Master of Elphinstone, and other three. He made provision for his children and others. He left to Lord Mar and his son, Lord Erskine, a furnished chamber; for keeping of the place of Kildrummy "twentie speiris, sex double muscattis, sex yrone gwnes, with my knok"; and to the Master of Elphinstone, a white horse. He had seven guns of his brother's son, some of them with friends, some in the hall, two jacks, one secret, a pair of plate sleeves and a steel bonnet.<sup>3</sup> By his first marriage he had one daughter. By his second marriage he had one son, Alexander Elphinstone, and a daughter. His two daughters were Jean and Anna Elphinstone.<sup>4</sup>

Alexander Elphinstone of Barnis, his son and successor, married, in 1645, his cousin, Lillias Elphinstone, the only surviving daughter of Alexander, fifth Lord Elphinstone, and became sixth Lord Elphinstone. Their issue carried on the main line of Lords Elphinstone of Elphinstone.

3. William Elphinstone was born at Kildrummy 11th December 1581, and died there young,<sup>5</sup> evidently in or before August 1595, when a younger son was named William. A monumental stone in the Kildrummy aisle records that he and his brothers, Patrick and David, died young. Inscribed around the border of the stone is the following:—"Villiam, Patrik and David Elphinstovns, [sones of Alex]ander Lord Elphinstovn." At the top are the Elphinstone arms. In the centre are the initials "V. E., P. E., D. E." A facsimile of the inscription and armorial bearings is here given.
4. Patrick Elphinstone, born 20th May 1584 in Kildrummy, and died there.<sup>6</sup>

<sup>1</sup> Inventory of writs of the lands lying in the shire of Aberdeen, in Elphinstone charter-chest.

<sup>2</sup> Original inventory, *ibid.*

<sup>3</sup> Copy testament, *ibid.*

<sup>4</sup> Birthday Book, *ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*





5. David Elphinstone "was borne the 20 of October 1585 in Kildromie and died ther. This yeir the lords entered Strlving and tooke the king, toune and castell."<sup>1</sup> The last portion of the entry refers to the revolution of 4th November 1585, which ended the rule of the Stewart Earl of Arran.
6. Lues Elphinstone of Bothkennar was born at Elphinstone on 2nd March 1586.<sup>2</sup> When returning from a visit to Sutherland, to his sister, Annas Elphinstone, Countess of Sntherland, he attempted, on horseback, to ford the river Deveron when it overflowed, and was drowned. He was thirty years of age at his death, which took place on 31st May 1616. The Elphinstone Birthday Book states that he "died in Kildromie." The historian of the Sutherland family describes him as "a young gentleman of good expectation, much lamented and bemoaned by all that knew him."<sup>3</sup> He was interred in the Elphinstone vault at Kildrumny, where a stone bears the inscription:—

"Heir lvis ane wor[thi]e g[entle]man Master Lo[uis] Elphin[s]t[ovn] [sone of] Alexander Lord Elphinsto[vn] qvha departit fra yis [li]fe ye last of Mai . . .<sup>4</sup> being of ye age of xxx zeiris."

On the stone are engraved the Elphinstone arms, having for crest a lady holding a castle in her left hand. The scroll above bears "Cavs Cavsit."

7. John Elphinstone of Bannockburn and Warthill was born on 2nd December 1591.<sup>5</sup> His grandfather, Robert, Lord Elphinstone, for his better education, gave him the lands of Bannockburn, and manor house, with advocacy of the chapel of St. Ninian, in Stirlingshire, with regress on payment of a rose noble.<sup>6</sup>

In 1611 John Elphinstone was warded in Edinburgh Castle for a "tulzie" in the High Street, in which Alexander Drummond, brother of the poet, was implicated.<sup>7</sup> He resided at Warthill in Aberdeenshire. He married Barbara Gordon, daughter of the laird of Petlurg, who was twice a widow previous to this marriage, one of her husbands being Gilbert Keyth of Troup.<sup>8</sup> He died in September 1621. His testament-dative was given up by Mr. James

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> Gordon's Genealogie, p. 338.

<sup>4</sup> Date in figures, but undecipherable. The last figure resembles a 6.

<sup>5</sup> Birthday Book in Elphinstone charter-chest.

<sup>6</sup> Charter, dated 10th November 1597, Register of the Great Seal, vol. vii. No. 268.

<sup>7</sup> Register of the Privy Council, vol. ix. pp. 215, 240.

<sup>8</sup> Birthday Book in Elphinstone charter-chest.



12. Malcolm Elphinstone, born in Elphinstone, 3rd December 1596, died young.<sup>1</sup>
13. "Glaud" Elphinstone was born at Elphinstone, on 23rd February 1597, "on Thursday befor day."<sup>2</sup> He appears to have died young.
14. Frederick Elphinstone, born 5th September 1599, in the Canongate, and died in Edinburgh 9th April 1600.<sup>3</sup>

The five daughters of Alexander, fourth Lord Elphinstone, were:—

1. Annas Elphinstone, Countess of Sutherland. A memoir of her follows.
2. Jane Elphinstone, Lady Forbes, was born 17th February 1582,<sup>4</sup> and was named after her mother. She was married, 5th February 1600, to Arthur, Master of Forbes, eldest son of John, eighth Lord Forbes.<sup>5</sup> The Master of Forbes and his wife resided at Druminour, the old name of Castle Forbes. They were alive in 1628.<sup>6</sup> They had five sons and three daughters.
3. Margaret Elphinstone, Lady Bruce of Airth, was born 7th June 1588.<sup>7</sup> On 27th March 1597 she was contracted in marriage to Sir John Bruce of Airth, knight. Her marriage was to be solemnised before 16th March 1601. Her tocher was twelve thousand merks.<sup>8</sup> She and her husband were deceased before 1628. They had fourteen children, who resided mostly at Rotterdam. Sir Alexander Bruce of Airth, her eldest son, served in the Netherlands till 1665. He married a Dutch lady, Anna Vannech. Their daughter Jean married Richard Elphinstone of Calderhall, who purchased the lands and barony of Elphinstone.<sup>9</sup>
4. Helen Elphinstone, Lady Cockburn of Langton, was born 27th August 1589.<sup>10</sup> She married Sir William Cockburn of Langton, knight.<sup>11</sup> On his death she married, secondly, Mr. Henry Rollok, minister at Edinburgh.<sup>12</sup> By her first marriage she had sons and daughters, and by her second marriage she had a son, John Rollok of Woodside.<sup>13</sup>
5. Christian Elphinstone, Lady Cromartie. She was born 19th December 1590 in Elphinstone.<sup>14</sup> She married Sir Thomas Urquhart, sheriff of Cromartie,<sup>15</sup> who received with her nine thousand merks of tocher. They had issue.

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*      <sup>3</sup> *Ibid.*      <sup>4</sup> *Ibid.*

<sup>5</sup> Birthday Book, *ibid.* The Edinburgh Register of Marriages gives the 1st of February 1600 as the date of her marriage.

<sup>6</sup> Register of Great Seal, vol. viii. No. 1211.

<sup>7</sup> Birthday Book, in Elphinstone charter-chest.

<sup>8</sup> The Bruces and the Cumyns, by Mrs. Cumming Bruce, p. 323.

<sup>9</sup> Writa, in Elphinstone charter-chest.

<sup>10</sup> Birthday Book, *ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*    <sup>13</sup> *Ibid.*    <sup>14</sup> *Ibid.*    <sup>15</sup> *Ibid.*

THE HONOURABLE ANNAS ELPHINSTONE, ELDEST DAUGHTER OF ALEXANDER,  
FOURTH LORD ELPHINSTONE, COUNTESS OF JOHN,  
TWELFTH EARL OF SUTHERLAND.  
1579-1617.

Notices of this lady occur in Sir Robert Gordon's Genealogical History of the Earldom of Sutherland and in the "Sutherland Book." But since the publication of the latter work, in 1892, a number of writs relating to her have been discovered, both in the Halmyre and Elphinstone charter-chests, which provide materials to supplement some parts of her history.

Annas Elphinstone was the eldest daughter of Alexander, fourth Lord Elphinstone, and of the honourable Jane Livingstone, his spouse, eldest daughter of William sixth Lord Livingstone. She was "borne the 27 of October, about xi houres in the morning, 1579."<sup>1</sup>

Of her youth little is recorded. She must have become acquainted with her future husband, John, Earl of Sutherland, not later than during his stay in Edinburgh at court for a year and a half in 1597 and 1598. From Edinburgh, in July 1598, Earl John went on his travels in France, where he continued for some time. Almost immediately upon his return to Scotland, or on 5th February 1600, his marriage with Annas Elphinstone, which took place at Edinburgh, was celebrated. Various circumstances combined to make this wedding a remarkable event in Edinburgh society. These were, the high position of the bride's father, who was at the time lord treasurer of Scotland; the rank of the bridegroom; the fact that on the same day Arthur Master of Forbes, afterwards ninth Lord Forbes, was married to the bride's sister, the Honourable Jane Elphinstone, the second daughter of Lord Elphinstone; and lastly, the ceremony was graced by the presence of

<sup>1</sup> Birthday Book.

King James the Sixth and Queen Anne, his wife, and most of the nobility Sir Robert Gordon records the event in the following terms :—

“In the moneth of Februarie 1600, beginning the yeir in March, John, Earle of Sowtherland, mareid Anna Elphingstoun, the daughter of Alexander, Lord Elphingstoun,<sup>1</sup> lord high treasurer of Scotland. The king and queen, with most part of the nobilitie, were present at that wedding, which wes solemnized in the toun of Edinburgh. The same verie day, Arthour, Lord Forbes, mareid the second daughter of the said Lord Elphingstoun.”<sup>2</sup>

Birrel in his Diary preserves the interesting fact that Lentron, which began on the 5th of February in that year, was stayed by reason of the banquet and marriage of the Earl of Sutherland and Master of Forbes with two daughters of the Master of Elphinstone.<sup>3</sup>

For reasons, owing probably to the state of the feudal title to the lands and barony of Elphinstone in the person of Robert, third Lord Elphinstone, the grandfather of the bride, the marriage was solemnised without the usual previous arrangement of a formal written marriage contract. At Edinburgh, on 13th March 1600, a post-nuptial contract was signed by the parties. The group of signatories to the contract is a remarkable one. It comprises John, Earl of Sutherland, Jane, Countess of Sutherland (formerly Countess of Bothwell), Alexander, Master of Elphinstone, and Alexander Ogilvy of Boyne, while Sir Robert Gordon, author of the History of the Earls of Sutherland, is one of the witnesses. In accordance with the stipulations of this contract, John, Earl of Sutherland, bound himself to infest his spouse in life-rent in the lands of Doill, with houses, salmon fishings, and cruives upon the water of Browrray, and nether water thereof, with privilege to build saltpans, and win coals for the pans, on the grounds lying in the parish of Clyne, earldom of Sutherland, and shire of Inverness, reserving to Dame Jane Gordoun,

<sup>1</sup> He was only Master of Elphinstone at the date of the marriage, and succeeded his father in the following year.

<sup>2</sup> Genealogy of the Earls of Sutherland,

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p. 140. *Vide* also BaHour's Annales, vol. i. p. 405, where the date of the marriage is given as 1599.

<sup>3</sup> Birrel's Diary, p. 48.

Countess of Sutherland, the earl's mother, the salt pans already built by her, or to be built by her, with the coals and coalheughs of the same. He also engaged to infest his spouse in the lands of Lothbeg, Crockok, and Lothmoir, with houses, etc., in the parish of Loth, in full satisfaction of "all thrid and terce" she might claim of his lands. He warranted the forenamed lands to be worth thirty-two chalders of victual yearly, the mains of Doill being plenished with "steilbow," estimated at twelve chalders, beside the "kanes, customes, siluer maillis, seruice, and vtheris dewteis." The earl further engaged that the heirs-male of the marriage should succeed to the living and earldom of Sutherland, with the castle of "Dyrobene," with provisions for heirs-female if there were no heirs-male, etc. Dame Jane Gordoun, Countess of Sutherland, transferred to her son all right she had to the earldom of Sutherland, reserving her liferent of the lands of Doill, fishings, salt pans, etc., Lothbeg, Crockok, and Lothmoir, except in the event of the death of John, Earl of Sutherland, when Dame Annas would have recourse to these lands, and Dame Jane should have recourse to the rest of the earldom of Sutherland. Alexander, Master of Elphinstoun, bound himself to pay, in name of "tocher" with his daughter, to John, Earl of Sutherland, the sum of twenty thousand merks Scots at terms specified.<sup>1</sup> In pursuance of the terms of the contract of marriage, the Earl of Sutherland gave Annas Elphinstone, his spouse, a charter of the lands and fishings recited in the contract. The charter is dated at Edinburgh, 13th March 1600, and was confirmed by the king 14th December 1600.<sup>2</sup>

The tocher was promptly paid by two instalments of ten thousand merks

<sup>1</sup> Original and also a copy contract of marriage in the Elphinstone charter-chest. In the original contract the day of the month is left blank. In the copy, the day, the 13th, is supplied. The contract states that the marriage has been "alreddie solempnizat." The change of the first day of the year to

1st January was ordained to begin in 1600.

<sup>2</sup> Original charter of confirmation under the Great Seal narrating the charter of the Earl of Sutherland, in the Elphinstone charter-chest. The charter of confirmation is not in the Register of the Great Seal.

each, on the 13th March 1600 and 26th October 1602, at Edinburgh and Golspietower respectively.<sup>1</sup>

Alexander, Master of Elphinstone, afterwards fourth Lord Elphinstone, was much trusted and consulted by his son-in-law, the Earl of Sutherland,<sup>2</sup> and by the Countess of Sutherland, his daughter, after her husband's death. The Earl addressed him in his letters in most reverential terms, beginning them, "My lord and loueing father," and subscribing himself at the end of them "Your lordship's maist affectionat sone to be commandit." The history of the earl and countess, and the names of their children, so lately related in the Sutherland Family Book, need not be reiterated here. The following points affecting Alexander, fourth Lord Elphinstone, the father of the Countess, however, may be added.

Lord Elphinstone, on 2nd July 1605, was commissioned by the Earl of Sutherland to bring about an agreement with Clement Cor and the laird of Airdrie, his son-in-law, in a dispute about the waters and fishings in Sutherland. The commission contains a basis of agreement proposed by the earl, and ends with the statement, "Giff your lordschip sellis my salmond, lat the merehand him self furneis packing salt and trieis, for sa we ar accustumitt."<sup>3</sup> In April 1613 the Earl of Sutherland, accompanied by his nephews, Donald Mackay of Strathnaver and John Mackay, with a large number of the gentlemen of Sutherland, and probably with his countess and children, went on a visit to Kildrummy to Lord Elphinstone. The opportunity was taken to settle all controversies between the Earl of Sutherland and Mackay by the mediation of their mutual friends, Lord Forbes, Lord Elphinstone, Sir Robert Gordon, and Mr. William Forbes of Menie. Sir Robert Gordon was made oversman, "which burthen," he says, "he accepted, although it

<sup>1</sup> Original discharges, in Elphinstone charter-chest.

Sutherland, to Alexander, Lord Elphinstone, his father-in-law, *ibid.*

<sup>2</sup> Original letters from Johu, Earl of Sutherland, to Alexander, Lord Elphinstone, his father-in-law, *ibid.*

<sup>3</sup> Original commission given at Dunrobin, and subscribed "J. E. Sutherland," *ibid.*

was a hard mater for him to beir himself evinlie in so freindlie and ticklish a case."<sup>1</sup> It is satisfactory to know that all questions were settled to the contentment of the parties concerned.

On the 26th July following, Dame Annas, Countess of Sutherland, appeared before John Davidsoun, commissary of Caithness, sitting in judgment at Brora, and of her free will, out of the presence of her husband, resigned and renounced, from her and her heirs, to John Gordon, Master of Sutherland, her eldest son, failing whom, to Adam Gordon, her second son, her liferent of the town and lands of Doill, Brora water and cruives thereof, and salmon fishing in the same<sup>2</sup> To recompense her in some measure for this, John, Earl of Sutherland, disponed to her in a liferent settlement, in case she survived him, "duiring hir widowheid and burding taking of our bairnes," and no longer, the town and lands of Brorae, grazing of Badinloche. While she was a widow "wanting the burding and expensis of our saidis bairnes," he disponed to her five chalders victual out of the lands of Doill, together with her liferent lands, extending to nine davoch lands of Crakoke, Lothmoir and Lothbeg, in which she was then already infest, and in no way comprehended in this present security. In case of her re-marriage, she was to be denuded of the said lands, etc., renew the renunciation of her right to them, and be content with the nine davochs of Crakoke, Lothbeg and Lothmoir. The settlement is dated at Dunrobin, 31st July 1613, and is witnessed by the earl's two brothers, and by Donald M'Kay, fiar of Strathnaver, and John M'Kay.<sup>3</sup>

John, twelfth Earl of Sutherland, became sick at Dunrobin, and was removed to Dornoch, where he died on the 11th September 1615, in the fortieth year of his age, and was buried in the cathedral church of Dornoch. He left his eldest son, John, Master of Sutherland, to Dame Jean Gordoun,

<sup>1</sup> Sir Robert Gordon's Genealogie, p. 296.

<sup>2</sup> Extract renunciation in Halmyre charter-chest.

<sup>3</sup> Contemporary copy, without signature, *ibid.*

Countess of Sutherland, till he chose curators; he also left Annas, his daughter, to her. To Annas, Countess of Sutherland, his spouse, he left Lady Elizabeth, his daughter, during her widowhood; also the half of his "insicht and plenesing, the siluer wark thair of onlie reseruit to the air." His second son, Adam Gordoun, he left to Sir Robert and Alexander Gordoun, his brothers. He further left Sir Robert Gordoun, his tutor testamentar, and John Gordoun of Golspitour and Hew Gordoun of Coltis, his executors, who were to be accountable to the countesses, the earl's brothers, and Donald M'Kay of Strathnavern. Golspitour refused the executry, and Sir Robert Gordoun was appointed in his stead.<sup>1</sup>

A minute of agreement was drawn up between Lord Elphinstone and Sir Robert Gordon, the tutor of Sutherland. The late earl was due Lord Elphinstone three thousand five hundred merks, and was caution for him in two thousand merks, which fell to be paid at Martinmas 1615. If this could not be paid, it was "communed" between Lord Elphinstone and Lady Sutherland and Alexander Gordon, her son, that Lord Elphinstone should receive a seven years' tack of the salt pans of Brora, with the lands of Doill and pertinents, except Brora, or else ten chalders victual yearly out of the radiest of Lord Elphinstone's living to "defaic" yearly a thousand merks of the above sums, paying yearly three hundred merks and working the coal and pans of Brora at his own charges, etc. It is unknown whether this minute, which is undated, was ever acted upon.<sup>2</sup>

Countess Annas had a son to the earl who was born at Dunrobin on the 9th February 1616, five months after his father's death, called George Posthumus Gordon.<sup>3</sup> The same year in which her husband died, another calamity befel the Countess Annas. Her brother, Louis Elphinstone, on his return from visiting her, perished on 31st May in the river Deveron,

<sup>1</sup> Contemporary copy of official confirmation of testament, dated 17th January 1616, in Halmyre charter-chest.

<sup>2</sup> Copy minutes in Elphinstone charter-chest.

<sup>3</sup> Sir Robert Gordon's Genealogie, p. 314.

having unadvisedly enterprised to ford that water on horseback when it was overflowed.<sup>1</sup>

Countess Annas felt the terms of her husband's testament in giving her mother-in-law the charge of the heir to the earldom, who was only about six years of age, as well as one of his sisters, while she herself was only intrusted with a single daughter. Evidently by way of showing this, she appeared before the Commissary of Caithness and declared that she had made the renunciation of her liferent lands of Doill, etc., by the special command and desire of her late husband, and to her own great prejudice, as she had received no corresponding benefit. She therefore revoked her grant of the lands and desired to be replaced in her full right of them.<sup>2</sup> She also, by a contract with Donald M'Kay of Strathnaver, set to him her liferent lands of Doill, Lothbeg, Cracok, and Lothmoir, for her lifetime, the teind sheaves of the lands, and five chalders of victual, grazings of Badinloch, disposed to her long after her marriage. For this lease M'Kay was to pay the sum of (torn) and "ane vther thowsand pundis monie thair of at the feist and terme of Mertimis nixt." Provision was made in case the lands of Doill should be evicted by the pretended renunciation of these lands by her at Brora on 26th July 1613. The contract is dated at Dunrobin, 24th February 1616, and is witnessed by "Sir Robert Gordone, tutour of Sutherland," and others.<sup>3</sup>

This transaction is represented by Sir Robert Gordon as part of a scheme and plot on the part of M'Kay to increase his authority in Sutherland, and by various arguments M'Kay was induced to promise to "resigne agane vnto the Countesse of Southerland, younger, all the right which shoe had given him of her joyntur." "Thus did Sir Robert," as he himself testifies, "wyselie shift Macky out of Southerland."<sup>4</sup> A less contentious contract

<sup>1</sup> Sir Robert Gordon's Genealogie, p. 338.

<sup>2</sup> Revocation, 9th November 1615, in Sutherland charter-chest. Sutherland Book, vol. i. p. 209.

<sup>3</sup> Original contract in Halmyre charter-chest.

<sup>4</sup> Sir Robert Gordon's Genealogie, p. 326.

was made by Countess Annas with Andrew Thomsoun, master mason, for repair of her house of Crakaig, by casting down the two gables of the house and rebuilding them, and repairing such parts of the side walls as needed repair, for payment of 300 merks and 32 bolls of victual, etc. The writ is signed Annas C. Suthirland.<sup>1</sup>

The dispute with the Dowager Countess Jane Gordon still continued, the latter, in letters to her son, Sir Robert, asserts that Countess Annas had incensed her father against her ladyship and Sir Alexander Gordon of Navidale, her son, so that he declared himself their "onfriend."<sup>2</sup> Sir Robert, as tutor, was also carrying on what he calls his "third controversie" for settling some particulars between her and her son the earl; which was referred to the arbitrament of friends, and a meeting was appointed at Dornoch to that effect, in the month of October, but meantime the controversy was ended by the unexpected death of the countess, who died at Crakaig, on 18th September 1617, in the thirty-seventh year of her age. She was buried at Dornoch, hard by her husband. The care of her children was given to Sir Robert Gordon, and the commissary committed to him the intromission with her goods and gear.<sup>3</sup> Sir Robert gave up testament in name and behalf of Adam, George, Elizabeth and Annas Gordon, her children. Sir Robert Gordon's character of this lady deserves quotation :—

"Shoe was a ladie of good inclination, of a meik disposition, and verie provident. Dureing the short tyme of her widowheid, shoe spared a reasonable portion for her children, out of the estate which wes left her in joynture ; shoe repaired the house of Cracock, being decayed since it wes first built by Jane Gordoun, Countes of Southerland."

<sup>1</sup> Original contract, dated at Crakoke, 11th April 1617, in Halmyre charter-chest.

<sup>2</sup> Letter, 24th September 1616, Sutherland Book, vol. ii. p. 123.

<sup>3</sup> Testament, confirmed 22nd December 1617, in Halmyre charter-chest.

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No. 1.

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No. 2.

Sutherland

No. 3.

Johannes Gordon  
fame of this Land

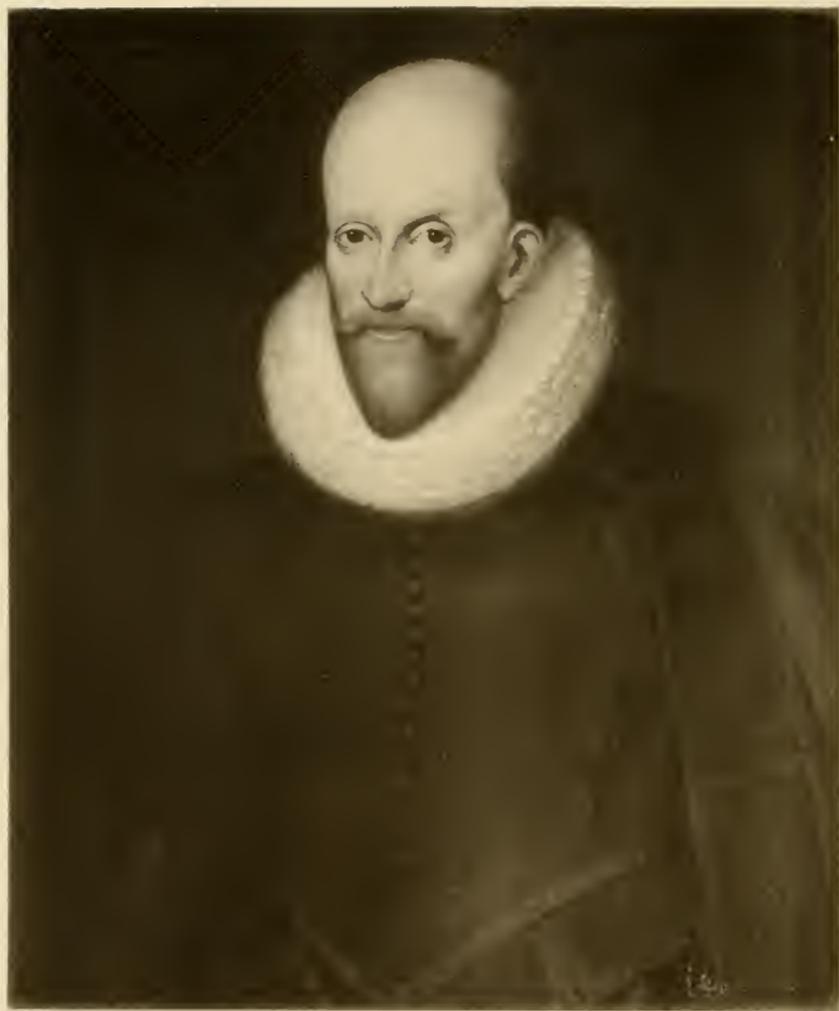
No. 4.

Sutherland

No. 5.

1. Annas Elphinstone, Countess of Sutherland, c. 1612.
- 2, 3. John, twelfth Earl of Sutherland, her husband, 1615.
4. Lady Jane Gordon, Countess of Sutherland, her mother-in-law, 1616.
5. John, thirteenth Earl of Sutherland, her son, 1644.





XV.—ALEXANDER, FIFTH LORD ELPHINSTONE,  
 LORD KILDRUMMY AS A LORD OF SESSION.  
 ELIZABETH DRUMMOND (PERTH), LADY ELPHINSTONE, HIS WIFE.  
 1638-1648.

In the family record of births of the children of Alexander, fourth Lord Elphinstone, and his wife, Jane Livingstone, the birth and marriage of their eldest son, Alexander, the subject of this memoir, are thus recorded :—

“ Alexander Elphinstoun, thair first begotten, wes borne 13 of November 1577, and wes maried the xxvij of Aprill 1607 with Elizabeth Drummond, sister to the Erle of Perth, and with her begat sonnes and dauchteris.”<sup>1</sup>

Alexander Elphinstone was named after his father, great-grandfather, and great-great-grandfather. He was thus the fourth of the Lords Elphinstone holding the Christian name of Alexander. The name was continued in the family in the persons of his two immediate successors, the sixth and seventh Lords, after which John became the prevailing Christian name of the holders of the Elphinstone peerage for many generations.

When he was quite a youth his special association with Kildrummy began, and he continued in possession of that estate for thirty-three years in his father's lifetime, until in 1626 the fourth Lord and his son, as shown in the preceding memoir, were obliged to remove from it by an enforced surrender to John, Earl of Mar, and his son, Lord Erskine, their near cousins.

This fifth Lord Elphinstone did not attain to the venerable age of an octogenarian like his father; but he crossed the allotted span of threescore and ten.

Alexander Elphinstone was born to a noble position. He soon became

<sup>1</sup> Elphinstone Birthday Book.

possessed of extensive landed estates in several counties of Scotland. He was an active member of several of the parliaments. He was also a prominent member of the privy council; and for many years was a lord of session, or senator of the College of Justice, under the official or courtesy title of Lord Kildrummy. During all his official labours, owing to his gentle, amiable, quiet, and agreeable nature, he was a favourite and ornament in the social circle of his relatives and friends. The memoir of such an exemplary nobleman requires more detail to do justice to his memory than that of any other member in his long line of ancestors—save perhaps that of his venerable octogenarian parent. In the present memoir will be shown how the unobtrusive life of this eminent and earnest Elphinstone has been partly overlooked by previous biographers.

At the early age of sixteen Alexander Elphinstone received crown charters, first, of part of the Kirkcubright, and then, upon the resignation of his father, of the town and burgh of Kildrummy, with fortalice and manor-place, in the earldom of Mar.<sup>1</sup>

Meanwhile, in March 1601, when receiving some of these lands, and when his prospects in life were thereby advancing, he suddenly placed in jeopardy, for the time, himself, his possessions, and his prospects. The stringent laws enacted against the exercise of the Roman Catholic religion were sometimes rigorously enforced by the king, who often openly avowed his dislike to the Pope and his "seminary priests." At the time referred to, Alexander Elphinstone attended mass in the chamber of a certain Helen Sempill, in the house of one Andrew Naper, burghess of Edinburgh. It would have been an extenuating circumstance in favour of young Elphinstone if he had revealed his transgression. But he kept the fact a secret, and that was an aggravation of the case.

The law which Alexander Elphinstone broke was enacted so recently

<sup>1</sup> 15th December 1593. Register of the Great Seal, vol. vi. No. 24; and 25th January 1593-4, *ibid.* No. 51.

as 1594, that "all wilfull heiraris of messe and concellaris of the same be executed to the death; and thair guidis and geir escheatit to his Hienes vse."<sup>1</sup> With the law so stringent it was fortunate Elphinstone could plead that he was not a "wilfull" hearer of the mass, in the sense that he had neither inclination to such a thing, nor intention to break the law.

At a privy council meeting, held at Holyrood on 8th April following, his father, the Master of Elphinstone, thought it necessary to interpose on behalf of his son. He promised to cause him to pass within three days to St. Andrews and keep ward there until he was freed therefrom by the king.<sup>2</sup> Alexander Elphinstone was still at St. Andrews on 26th June 1601 when he received a licence from the king "to repair to our burgh of Edinburgh and his fatheris companie for sik necessar turnes as he hes to do, notwithstanding that be oure vther warrand he is commandit to keip waired within oure citie of Sanctandros." It was provided that he was to return to his place of ward within eight days after the date of the licence.<sup>3</sup> Young Elphinstone did not continue long in enforced ward at St. Andrews. On 10th July following, the king subscribed letters by which he "freithis and releiffis our louit Alexander Elphinstoun . . . furth of his present waired . . . and grantis him libertie and licence to hant, resort and repair in all pairtis of our cuntrie at his plesour."<sup>4</sup> The king, who was satisfied with his explanations, had already, on 24th April, directed a precept under the privy seal to the lord chancellor, to cause letters of remission to be passed in his favour, under the great seal. The precept narrates that the king, understanding and fully considering that Alexander Elphinstone was present at the saying of mass—

"Not out of his own inclination, or intention by transgression of our laws against the religion professed in our kingdom, but that he has associated himself with certain

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iv. p. 62.

<sup>2</sup> Register of the Privy Council, vol. vi. pp. 232-3.

<sup>3</sup> Original licence subscribed by the king, in the Elphinstone charter-chest.

<sup>4</sup> Original letters, *ibid.*

persons, not professors of the said religion. Therefor of our grace and mercy we have remitted the rancour of our mind, royal suit, and all action . . . against the foresaid Alexander Elphinstoun for the foresaid hearing of mass and [not] revealing thereof the time before written, against the tenor of our acts of parliament and laws of our kingdom made thereupon; and for all action, cause, pain and penalty which can follow thereupon, or can be imputed to the said Alexander on that account at any time to come," etc.<sup>1</sup>

Alexander Elphinstone was fully twenty-three years of age at the date of this royal remission. Of his early education no particulars have been preserved. It would no doubt be in keeping with his high social position and prospects. We know from the household books, which were commenced by his father, the fourth Lord, in 1602, that his lordship gave his younger sons, James, Louis and others, a liberal education, and there is other evidence that his eldest son and heir was highly educated. He became in early life an eminent lawyer and judge in the supreme civil court. He attended the University of St. Andrews for the purpose of receiving instruction in theology. Although King James had forgiven him for attending mass, still it was deemed prudent that he should proceed to this Protestant seminary. Andrew Melville, the Gamaliel of his time in Scotland, was principal of the New College of St. Andrews, and under him Elphinstone would receive able instruction in the true faith. He attended the lectures and exercises of theology, and in the short time he was at St. Andrews made progress therein. He gave satisfactory evidence to his instructors of his loyalty to the religion then professed within the realm, made formal public avowal of that loyalty, subscribed the Confession of Faith, and underwent an examination upon the then controverted points of religion. His attendance at St. Andrews University was confined to the summer of 1601. At the close of that session a testimonial was given to him by the rector and masters of the University on 1st August 1601. From the terms of this

<sup>1</sup> Original remission, which mentions the date of the offence as 21st March 1601, in Elphinstone charter chest.

testimonial the chief purpose of his attendance there is not only made apparent, but also the fact that seeing the error of his ways he was exercised with true repentance. The testimonial proceeds thus :—

“ We, Rector of the Vniversitie of Sanctandros, and Masteris of the New Colloge of Theologie within the samyne, testifies be thir present lettres that the right honorable Alexander Elphinstoun, appeirand of Elphinstoun, eldest sone of the right honorable Lord Thesaurare, berare heirof, hes been conversant with ws this sommer seassun, and induring the said space hes gevin obedience in heiring the word of God at ordinarie preachingis and ordinarie lectures and exerceissis of Theologie within the said colloge, and accordingly hes schawin and approwed to ws his honest, modest, and guid behaviour in kyf and conversatioun : Finalie, efter sindry conferences aenent the contrawertit heidis of religioun, be the mercy of God, dois acknawlege, confess and avow the religioun presently profest within this realme to be the very trew religioun, and only vndoubted treuth ; and dois renunce all papistrie, superstitioun and heresie contrarie to the samyne : Promesing, be the grace of God, to stand constant and firme in the confession of the said treuth to his lyfis end, and to defend the samyne to the vttermost of his power aganis whatsumevir enemyis. And in verificatioun heirof the said Alexander hes maid opin declaratioun and awowance of the foirsaidis heidis in presence of ws and witnessis vnderwrettin : as also according to the lawis and custome of our Vniversitie hes with his awin hand subscriwit the confessioun of the trew faith presentlie professit and teachit within this land.”<sup>1</sup>

On the death of Robert, third Lord Elphinstone, on 18th May 1602, and the succession of his son Alexander as fourth Lord, Alexander Elphinstone, grandson of Robert, became Master of Elphinstone.

The fourth Lord was abundantly mindful of making provision for his eldest son and heir-apparent, the Master of Elphinstone. Besides the Kirk-toun of Kildrummy and the town and burgh of Kildrummy, to which he was provided before he was of full age, at later dates, up to the occasion of

<sup>1</sup> Original testimonial, dated 1st August 1601, in the Elphinstone charter-chest. The testimonial is subscribed by Mr. Robert Wilkie, Rector ; Andrew Melville, D. of Theologie, Mr. John Jonston, Mr. Patrik Malville, Mr. James Melvill, witness his

profession and subscription. Mr. T. Carmichael, witness to his resolution and profession off the treuth. V. Cranstoun, witness to his profession and subscription. Mr. Villiam Velwod, witness.

his marriage in 1608, he acquired from his father many other lands. These include, among others, Ardmuir in Menteith, Carnock in the barony of Plane, Cambusbarrow in the shire of Stirling,<sup>1</sup> and Pettynane in Lanarkshire, Duncreiff and Wysbie in Annandale,<sup>2</sup> Rossy and Pendreich in Perthshire, Polknaiff, the Halls of Airth, in the shire of Stirling, Feddellis, and the Mains and castle of Kildrummy, and other lands in the barony of Kildrummy and shire of Aberdeen, and the barony of Elphinstone in the shire of Stirling.<sup>3</sup> Alexander, Master of Elphinstone, was thus a considerable landed proprietor of the Elphinstone estates for thirty years before his father's death.

Of these extensive properties thus provided to the Master of Elphinstone, the greater portion have been sold by the family, or otherwise lost to them, and it is only necessary to refer in this memoir to these possessions generally, while they continued the property of the Elphinstone family. But a peculiarity, it has been stated, was attached to the landed barony of Kildrummy. This it is proper to notice, the more so as a strange mistake has been fallen into by Mr. John Riddell in his "Peerage Law," in reference to the designation of Alexander Elphinstone as Lord Kildrummy.

Mr. Riddell states that the barony of Kildrummy bestowed upon Alexander, Master of Elphinstone, conferred upon him the right to a peerage of that name. The learned author says that:—

"The dominical lands of Kildrummie were heritably granted by James IV. on the 10th of December 1507 to Alexander, first Lord Elphinstone. They thus uniformly descended in his line, without any challenge, or exception—nay, even constituted, as would seem, a territorial Peerage in their favour."<sup>4</sup>

The statement that the subject of this memoir, Alexander, Master of Elphinstone, was a peer of Scotland, by the title of Lord Kildrummy, and

<sup>1</sup> 14th December 1600. Register of the Great Seal, vol. vi. No. 1113.

<sup>2</sup> 19th February 1601. *Ibid.* No. 1149.

<sup>3</sup> 5th July 1608. *Ibid.* No. 2125.

<sup>4</sup> Riddell's Peerage Law, 1842, pp. 134-5.

that he was styled Lord Kildrummy immediately after the lands of Kildrummy were settled upon him, and as a consequence of that settlement, is disproved by undoubted evidence.

In the feudal title given by the crown, in 1593, to Alexander Elphinstone of the lands of Kildrummy there is not the slightest word to infer that the lands carried a peerage lordship.<sup>1</sup>

In the contract of marriage of the Master of Elphinstone in 1607, and also in the crown charter, dated 5th July 1608, which followed upon it, he is designated as one of the senators of the College of Justice. This is the earliest charter reference to him in his official capacity. Subsequently, and throughout the remainder of his official life, he is often so designated. The Master of Elphinstone first appears as Lord Kildrummy in a crown charter dated 2nd May 1611, where he is described as "Alexander Magister de Elphingstone, dominus de Kildrummie, et unus senatorum Collegii Justitie."<sup>2</sup> It was the invariable custom for these senators to take a courtesy or official title, and in the beginning of the seventeenth century and down to a comparatively recent date they had the privilege of being designated Lords officially, of the name of their own lands or baronies, or even of a small piece of land, or by their own surname if they possessed no land. Lord Kildrummy could not have adopted the title of Lord Elphinstone, as that would have been in conflict with his father. The title of Lord Kildrummy was a very appropriate one for him to adopt, but it was no more than an official style and only enjoyable for life or term of office.

This well-known Scottish practice is admirably explained by one who was himself a lord of Session, in his excellent *Life of the still more celebrated Lord Jeffrey*, in the following very clear description of the assumption of the personal title of Lord in preference to any territorial designation :—

"The Scotch Judges are styled *Lords*, a title to which long usage has associated

<sup>1</sup> Original charter, dated 25th January 1593, in the Elphinstone charter-chest.

<sup>2</sup> Register of the Great Seal, vol. vii. No. 470.

feelings of reverence in the minds of the people, who could not now be soon made to respect or understand *Mr. Justice*. During its strongly feudalised condition, the laudholders of Scotland, who were almost the sole judges, were really known only by the names of their estates. It was an insult, and in some parts of the country it is so still, to call a laird by his personal, instead of his territorial, title. While this custom was universal, a man who was raised to the bench naturally took his estate's name with him, because it was the only name that he was known by. Even lairds came, however, in time to be identified by their Christian and surnames. Yet, for a while, the fashion of sinking the individual appellation, and carrying the landed one to the judgment seat lingered; not always from vanity, but because it was natural for landholders to dignify themselves by their estates, and their estates by their judicial office. But this assumption of two names, one official and one personal, and being addressed by the one and subscribing by the other, is wearing out, and will soon disappear entirely. Jeffrey had land enough to entitle him to sink his honourable name in that of his bit of earth; but like many others, he did not choose to do it, and became Lord Jeffrey."<sup>1</sup>

The visionary and crude coronet of Kildrummy, which Mr. Riddell has foisted into his own peerage book in the year 1842, never appeared in any other peerage work before, and cannot be expected to appear again in any work of authority on the peerage of this country. According to Mr. Riddell, peerage writers, and even the great lawyers of the House of Lords, make mistakes. But, so far as we are aware, he is himself the first peerage writer who has attempted to convert a lord of session, sometimes popularly called a "paper lord," into a parchment patent hereditary peer.

But there is another passage in Mr. Riddell's peerage book which it is necessary to notice in consequence of its direct bearing on the Elphinstone peerage. He was allowed access to the Elphinstone charter-chest after it had been transferred from the Tower of Elphinstone in Stirlingshire to another place of deposit, the mansion of Cumbernauld, which belonged to a cadet of the Elphinstone family. This was a matter of convenience after the sale of the Tower of Elphinstone. Mr. Riddell found at Cumbernauld a piece of parchment referring to the lands granted by King James the Fourth

<sup>1</sup> Lord Cockburn's *Life of Lord Jeffrey*, 1852, vol. i. p. 365.

to the first Lord Elphinstone in 1507. He was so elated by that alleged discovery that he actually treats it as if it were equal to the original peerage patent, signed by King James the Fourth, with his great seal appended. The explanations of this pretended discovery run over several pages of close print, with foot-notes, in Mr. Riddell's work, and are too lengthy and irrelevant for full quotation here. But their import is in effect that the Elphinstone peerage is a female dignity.<sup>1</sup>

The actual patent of creation of the Elphinstone peerage by King James the Fourth in 1509 is not known to exist. But the descent of the peerage in the male line has continued unbroken from the original creation of it to the present time, a period of about four centuries. On more than one occasion during that long period, the peerage descended to the remoter heirs-male, passing over the nearer heirs of line. In one of the cases the heir-male and the heir of line happened to be first cousins. They intermarried, and carried on the inheritance of the dignity in the male line. Two sons of that marriage succeeded to the adopted heir-male, and with the consent and approval of their mother, the heir of line, were successively Lords Elphinstone in her lifetime, showing that the peerage was inherited, not from her, but from her husband, the heir-male. The lady, the heir of line, was the only surviving daughter of the fifth Lord. The heir-male was his nephew, and he adopted him in his lifetime as his presumptive heir, styling him Master of Elphinstone, and promoted his succession to the peerage as sixth Lord. This will appear in the course of the present and subsequent memoirs.

In the claim which was made by the late Earl of Crawford to the Dukedom of Montrose created in 1488, Mr. Riddell, as advocate for the claim, demolished his own Peerage Law. So far as it affected that case, his law, as author of that work, was sound, but contradictory of his pleadings as counsel in his printed cases. The Attorney-General, in opposing the claim on behalf of the Crown, was quick to discover this incon-

<sup>1</sup> Riddell's Peerage Law, pp. 952-954.

sistency. He said with force, "I appeal from the counsel to the author, I appeal from the interested advocate to the disinterested historian," referring to page 819 of the Peerage Book of Mr. Riddell on the Montrose Dukedom.<sup>1</sup>

The appointment to a place on the bench as a senator, held so long by Alexander, Master of Elphinstone, afterwards fifth Lord Elphinstone, although a fact supported by plain and abundant proof both in public and private records, has been hitherto entirely overlooked by other writers besides Mr. Riddell. In the Catalogue of Senators of the College of Justice contained in the "Historical Account" of them, published in 1836, the authors omit the fifth Lord altogether, although for many years he was both a senator, a privy councillor, and an active member of the parliament of Scotland. The explanation of such a mistake is that they treated the fourth and fifth Lords, who held the same Christian name and surname, as one man. They continued the life of the former ten years beyond the time of his death, in 1638, that is to 1648, the year when the fifth Lord Elphinstone died. This they do in their biographical sketch of Alexander, Master of Elphinstone, afterwards fourth Lord Elphinstone, one of the extraordinary lords of session.<sup>2</sup>

The authors of the Catalogue of Senators were neither the first nor the last writers who extended the life of the fourth Lord Elphinstone to the year 1648, and attributed to him the events relating to his son, the subject of this memoir. Earlier and later peerage and genealogical writers down to the present day have committed the same error. The perpetuating of this error over so long a period has led to several mistakes. One of these is in the final and official elaborate Index volume to the Acts of Parliament by the late Mr. Cosmo Innes. That learned editor, following the mistake of

<sup>1</sup> Report of the Montrose Peerage Case, by Lord Lindsay, 1855, p. 217. Mr. Riddell, who was present, winced under this pointed reference to him. He whispered to the writer of these lines, who was sitting next to him, and who was engaged on the opposite side

for the late Duke of Montrose:—"Eotheriation take that book of mine, it is always coming up against me."

<sup>2</sup> Senators of the College of Justice, by George Brunton and David Haig, pp. 242, 243.

the authors of the Catalogue of Senators, extends the life of Alexander, fourth Lord Elphinstone, from 1638 to 1648, or ten years beyond his actual death. He, however, does more than this, and discarding the year 1649, the alleged, but erroneous date of the death of Alexander, fifth Lord Elphinstone, adopted by peerage writers, he brings down his life to the year 1669, the actual year when his grandson, Alexander, seventh Lord Elphinstone, died.<sup>1</sup>

In the present work, which aims at accuracy in regard to the Lords Elphinstone, it is thought better to clear off these mistakes about the fourth and fifth Lords Elphinstone by Mr. Riddell and other writers.

Returning to the events of Alexander Elphinstone's life, we find his name occurring thrice during the year 1601 in the Register of the Privy Council. In two of these instances he appears as liferenter of the lands of Drumbrek, in Aberdeenshire. Several of the Meldrums surprised the place of Drumbrek, removed the servants, fortified it as a house of war, and then molested and terrorised the tenants of the lands. Twice Alexander Elphinstone complained to the privy council, with the result that, on both occasions, the offenders were denounced rebels for not appearing before the council.<sup>2</sup>

Up to this time and to the beginning of the year 1605, we have to do with Alexander Elphinstone as a private individual and a land owner. But from the period mentioned he figures as a public and official person as well as an important landed proprietor. He received his first government appointment on 7th March 1605, when he was admitted a member of the privy council of Scotland.<sup>3</sup> The Elphinstone family were now largely represented in the privy council, four of their number, Alexander, Lord Elphinstone, Alexander, Master of Elphinstone, his brother, Sir Michael Elphinstone, and their uncle, James Lord Balmerino, secretary of state and president of the court of session, being members of it at the same time.

<sup>1</sup> Acts of the Parliaments of Scotland, Register of Privy Council, vol. vi. pp. 214, vol. xii. p. 499. 328.

<sup>2</sup> 24th February and 29th December 1601. <sup>3</sup> *Ibid.* vol. vii. p. 22.

Alexander Elphinstone, who in 1602 became Master of Elphinstone, was at the time of his appointment in the council twenty-seven years of age. His name is in the sederunt of the meeting of council at which he was admitted. The other three members of the Elphinstone family who were councillors were all in attendance on that occasion.<sup>1</sup> Although he was admitted on the 7th of March, his name is included in the sederunt of the immediately preceding meeting held on 5th March.<sup>2</sup> The admission to the council of the Master of Elphinstone was only one of several changes in the constitution of the council at this time. The Earl of Montrose, who had hitherto been Lord Chancellor, was now made Lord High Commissioner; Lord Fyvie exchanged the Lord Presidentship for the office of Lord Chancellor; and Lord Balmerino became conjointly Secretary of State and President of the Court of Session.

From the time of this appointment, Alexander, Master of Elphinstone, gave most regular attendance at the privy council, and took an active part in its affairs. He exceeded in the regularity of his attendance both his father and his brother, and, indeed, most of the members of the council.

The trial on a charge of treason for holding the Aberdeen Assembly and declining the authority of the king in ecclesiastical affairs, of six of the leading ministers at the Assembly, was appointed to take place at an assize court at Linlithgow, on 10th January 1606. This trial was of the deepest interest alike to the king, the church, and the people of Scotland. From its great importance assessors were appointed to assist the Justice Depute, who presided. The Master of Elphinstone, his father, and his uncle, Lord Balmerino, were included among these. Other assessors were the high commissioner, the chancellor, the Earls of Mar, Linlithgow, Dunbar, and others.<sup>3</sup> The issue of the trial was to make it treason to decline the king's authority in matters ecclesiastical.

<sup>1</sup> Register of Privy Council, vol. vii. p. 22.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* p. 164 n.; Calderwood's History, vol. vi. p. 389; Pitcairn's Criminal Trials, vol. ii. p. 496.

On 18th June 1607, the Master of Elphinstone appeared in the council, on his father's behalf, in a complaint against Alexander Forbes of Towie and others for forcibly breaking the gate of Lord Elphinstone's fortalice of Torgarffe [Corgarff] and fortifying and retaining the place as a resort of thieves and "limmers."<sup>1</sup> In the following year, on two occasions, he subscribed letters addressed by the council to the king.<sup>2</sup> In 1609 he became cautioner, along with his father and Sir George Elphinstone of Blytheswood, for his uncle, James, Lord Balmerino, to the extent of £40,000, that he would keep ward within the palace of Falkland and a mile around it till relieved.<sup>3</sup> In a reconstitution of privy councillors by letter from King James, dated 20th January 1610, the Master was one of the thirty-four who were appointed. Previously the number of councillors was over ninety, so that this council was more select. Important new privileges were conferred upon them.<sup>4</sup>

The Master of Elphinstone, being a trained lawyer and a member of the College of Justice, was much consulted and trusted by his father and other relatives and friends, in reference to their private affairs. John, twelfth Earl of Sutherland, the husband of Annas Elphinstone, Countess of Sutherland, eldest sister of the Master, was one of those relatives who in that connection had recourse to his services from time to time.

From the year 1602, the date of the commencement of the first of Lord Elphinstone's Household Books, to the year 1607, the name of the Master of Elphinstone appears from time to time on the pages of these books. Several interesting facts are to be gathered from the entries. Some of these show the amusements of a young gentleman of position in the beginning of the seventeenth century. Playing of cards was one of these. In August 1602, the Master received "in the Doill in my auld Lady Sutherlandis" xl s. "to play at the cairtis thair." "Ane brais," "ane schutting gluiff" and "bowe-

<sup>1</sup> Register of the Privy Council, vol. vii. p. 393.

<sup>2</sup> *Ibid.* vol. viii. p. 531, 534.

<sup>3</sup> *Ibid.* p. 711.

<sup>4</sup> *Ibid.* pp. 815, 816.

stringis" bought for him, point to other pastimes of snaring, shooting, and archery. Others illustrate the custom of gentlemen in private life wearing the sword, the "rapper," and the "quhinger." The last of these served the double purpose of a knife at meals and a sword in broils. Thus, in December 1602, the Master of Elphinstone got a "scabert" to his "riding sword," and in the following month payment is made for "dichting the Maister rapper and making ane gilt schaip to it." In November 1603, "ane quhinger to the Maister" is paid for, and in the ensuing April, "a scabbert" was purchased for his sword.

These books also furnish particulars about his movements, etc. Thus, on 29th August 1603, he spent a night with his father in the palace of Linlithgow. Again, he and his father attended the funeral of his grandfather, Robert, third Lord Elphinstone, as cloaks are provided to them "for the buryall." When his contract of marriage was being subscribed, and previous to the subscription of it by his father, there are entries which show that Lord Elphinstone was at Kildrummy when the Master and his future spouse signed it on 28th April 1607. His lordship left Kildrummy on 13th May, and travelled south. Thereafter many communications passed between Lord Elphinstone and his son, the Master, up to the middle of June; and the Master was during that time frequently sent for by his father. These communications and meetings were evidently about the contract. At length Lord Elphinstone set out for Edinburgh on 19th June, and adhibited his signature to the contract at Holyrood House on 23rd June 1607.

But it is to his own Household Books that we must look for most information about the Master of Elphinstone. Soon after his marriage in 1607, he, in conjunction with Elizabeth Drummond, his spouse, received on 5th July 1608 a great seal charter of the lands of Rossie, with the fortalice, etc., and Pendreich, in the shire of Perth; the lands of Polknaiff and the Halls of Airth, in the shire of Stirling, and other lands.<sup>1</sup> He thereupon chose Rossie

<sup>1</sup> Register of the Great Seal, vol. vi. No. 2125.

and its mansion, situated near Forgandenny, as one of his principal residences, set up an establishment there, and, following the example of his father, kept a Household Book.

The Household Books of the Master, still in the Elphinstone charter-chest, are three in number. The first is from 1610 to 1613. The second, which is holograph of the Master, ranges from 1629 to 1633. The third, the beginning of which has been torn out of the volume, extends from 1636 to 1641.

From this enumeration it will be seen that the Master of Elphinstone's Household Books, so far as preserved, do not form a complete and continuous series. The first volume now named has this peculiar interest, that for three years, the period over which it extends, besides reporting his movements from place to place, and the incidents in his life, features common to the other Household Books, it gives detailed statements of the company he entertained from time to time in his several residences, and of the expenditure incurred in meat and drink. The book shows him to have been extremely hospitable, entertaining a constant flow of guests. The cordiality of the relations subsisting between him, his parents, and brothers, and other Elphinstone relatives, and those related to the family by marriage, is abundantly evidenced in the frequency and duration of their visits to his dwelling. There, it is apparent, they could at all times rely upon a hearty welcome.

One near relative is missed, as the names of the guests on the different pages are scanned, viz. :—James, first Lord Balmerino, uncle of the Master. When the sentence for his execution was passed from, he was, in October, warded in Falkland, and soon after permitted to retire to Balmerino. There he was visited by his relatives, including the Master of Elphinstone and his wife, until his death in 1612. On 13th June of that year, the statement is made that "my Lord of Balmerinoch raid heim the samine day and his brother and thair servandis;" and again on "the last of June my lord of Balmerinoch com out of Elphinstoun, and his brother my lord of Couper to thair super."

Among the Master's many guests at Rossie and elsewhere, were his brother-in-law, James, Earl of Perth, his son, the Master of Perth, and other members of that family, and also his uncle, Alexander, first Earl of Linlithgow. The list includes further such names as Sir William Livingstone of Kilsyth, one of the senators of the College of Justice, who became vice-chamberlain of Scotland, Sir John Forbes of Pitsligo, Sir Thomas Ruthven, afterwards Lord Ruthven, Sir Robert Gordon, the historian, Sir George Elphinstone, Sir Michael Elphinstone, and the Archbishops of St. Andrews and Glasgow. In the two remaining Household Books numerous references to Lady Lillias, his daughter, and to his other children occur.

In dealing with the period of the Master of Elphinstone's life from 1610, when settled in his residence at Rossie, to 1622, when the legal process was commenced which was destined four years later to deprive him of Kildrummy, beyond what has already been stated, little can be added, except what is transmitted from the Register of the Privy Council. During these twelve years, the Master continued both a member of the privy council and a senator of the College of Justice. His attendances at the meetings of the former were uniformly exemplary, and it is only in keeping with what is known of him in other matters to suppose that his attention to his judicial functions was no less praiseworthy.

On 28th April 1613, he was brought into close association with a tragedy which has become historical. On 6th April 1608, Sir James Johnstone of Johnstone, knight, was treacherously slain by his hereditary enemy, John, ninth Lord Maxwell, near Lochwood, in Dumfriesshire. After the murder, Lord Maxwell fled to the Continent, where he remained until 1612. During his absence he was condemned and forfeited, and his lands given to court favourites. On his return, he was seized and delivered to the government. Attempts were made to save his life. The council called the relatives of the slain Johnstone laird before them to ascertain if they insisted upon the death of the murderer. They all, even including his own

cousin, Dame Sara Maxwell, Lady Johnstone, the widow of Sir James Johnstone, insisted on it. Dame Margaret Scott, Lady Johnstone, the aged mother of the slaughtered laird, was too infirm to appear before the council. In 1613, Alexander, Lord Kildrummy, and other two of the council, were chosen to wait upon her, and learn her wishes in the matter. She was firm that the law should take its course. Lord Maxwell was executed on 21st May 1613.<sup>1</sup>

The colleges and hospitals of Aberdeen claimed some attention in the spring of 1619. Abuses and mismanagement of property had been alleged against them during some preceding years. These consisted of "dilapidation and the unnecessary and idle spending and waisting of the proper rent and patrimony of the saidis Colledgeis and Hospitallis, the ruine and decay of the buildingis and edifices within the same, the neglect of the ordinar teaching of the comelie and good ordour and constitutionis establischt within the saidis Colledgeis, alsweill be the fundatioun thair of as sensyne be the learned and worthie professoris who hes borne charge thairin, sua that now the saidis Colledgeis and Hospitallis are broght to a miserable decay, the professoris ar become cairles and negligent, the number of professoris and foundit personis not fullie compleite, and all goode ordour and government within the saidis Colledgeis is become in contempt and dissuetude."<sup>2</sup>

To inquire into these alleged abuses a royal order, given at Newmarket, 21st March 1619, was issued appointing a commission of twenty-two persons, including Alexander, Earl of Dunfermline, lord chancellor, Alexander, Lord Elphinstone, the Master of Elphinstone, and others. These were to visit the colleges and hospitals and make the necessary investigations. They had powers given them to make reforms, and they were to report to the privy council on the whole subject.

<sup>1</sup> Register of the Privy Council, vol. x. p. 29. The story of the tragedy, which has been often told, is fully narrated in the Book of Carlawerock, vol. i. pp. 310-324; also in

The Annandale Family Book, vol. i. pp. cl-clix.

<sup>2</sup> Register of the Privy Council, vol. xi. pp. 547-9, 602.

In 1622, the Master of Elphinstone and Lord Elphinstone, his father, took a step with reference to the land and barony of Elphinstone, the explanation of which it is not easy to surmise. On 25th February they entered into a contract with their kinsman John, second Lord Balmerino. In terms of this transaction they, on 13th March 1622, gave a charter to his lordship and his heirs-male of the lands and barony of Elphinstone, with tower and fortalice, etc., the Halls of Airth, and lands of Carnok, etc., all in the shire of Stirling. The lands and barony were to be held of the king as superior, and his lordship was to pay yearly for them £200 Scots. Sir George Elphinstone of Blythswood was one of the witnesses to the charter.<sup>1</sup>

This transfer of the barony which carried the name of Elphinstone from the Elphinstone family in the main line never seems to have had practical effect given to it. The contract referred to is not now forthcoming. It might have indicated the circumstances which led the Master and his father to think of parting with the barony. The step may have been prompted to safeguard this cherished territory in view of the action which at this time it was very evident Lord Mar was soon to take about Kildrummy and the expense such an action might ultimately involve them in.

A bond of manrent given by the Master and his father to James, Marquis of Hamilton, towards the close of this same year, gives some colour to the explanation above suggested. For this bond the Marquis took upon him the protection of Lord Elphinstone and Alexander, Master of Elphinstone, Lord Kildrummy, and the maintenance and defence of their "righteous and just title of the lands and baronie of Kildrummie . . . against the unjust and rigorous pursuit of Johne nou Erl of Mar," who "out of the awarice and malice of his heart intentit the wrak, rouine and ouerthraue of ws, our estait and posteritie, quhilk the said Erl be his plaices of credit and pouer

<sup>1</sup> Original charter, in the Elphinstone charter-chest.

in this state and kingdome, and meines of his freindschipe, allyance and wther sinister (*sic*) wayes wald easelie effectuat."<sup>1</sup>

In 1626, the Master of Elphinstone and his father, from the adverse judgment of the Court of Session in the action of Lord Mar against them, found it necessary to surrender Kildrummy to his lordship, which they did in an agreement with the Earl of Mar and Lord Erskine, his son, come to in the same year. This agreement has already been described in the preceding memoir of the fourth Lord.

Not until the year 1631 is there anything calling for notice regarding the Master of Elphinstone. In that year he was named by the king one of the Privy Council, to whom he committed "the whole administration and government" of Scotland.<sup>2</sup> In 1632 he was admitted a burghess of Stirling.<sup>3</sup>

Being now deprived of Kildrummy and the large annual revenue which it yielded, the yearly income of the Master was considerably circumscribed. He applied to parliament to have his title to the lands and barony of Elphinstone, etc., ratified. This was done by an Act of Parliament in favour of him, his wife, Elizabeth Drummond, and the survivor of them, and the heirs-male begotten between them; failing whom, to the heirs-male of the Master, bearing the surname and arms of Elphinstone, in fee, heritably, of the lordship and barony of Elphinstone, with castle, tower, etc., conform to charter under the Great Seal, dated 5th July 1608, which, with the precept and sasine following thereon, the Act ratified.<sup>4</sup>

Measures were also taken to greatly lessen his expenses. Hitherto the Master and his father had maintained separate establishments on an ex-

<sup>1</sup> Bond subscribed and also holograph copy by Alexander, Master of Elphinstone, dated at Holyroodhouse, 15th November 1622, in Elphinstone charter-chest. The copy is indorsed on the back, "The just copie of our bond to James Marquis of Hammiltoun, 1622."

<sup>2</sup> The Earl of Stirling's Register of Royal Letters, vol. ii. p. 509.

<sup>3</sup> Extract of admission, in the Elphinstone charter-chest.

<sup>4</sup> 28th June 1633. Acts of the Parliaments of Scotland, vol. v. pp. 156, 157.

pensive scale. It was now decided that one establishment should serve for both. To carry out this economic arrangement a contract was entered into between them on 21st October 1633. Lord Elphinstone thereby received the Master, Elizabeth Drummond, his spouse, and their daughters into house, company, and society with himself. He engaged to love them, and entertain them in meat, driuk, coal, candle, etc., and also to bestow during his own lifetime upon the Master and his heirs the half of all coals obtained on the lands of Elphinstone, and the half of all the salt made on his lands, with an equal half of the profits from both. By an inventory to be mutually subscribed, he agreed to deliver to the Master the plenishing, silver-work, goods and gear within the place of Elphinstone. These were to revert again to his lordship, if the Master predeceased him, and to remain with the heir-male of the house of Elphinstone. The Master was to sit with his lordship at the making of his accounts with tenants, chamberlains, colliers, salters, etc., and receive a thorough understanding of all his business and management.

In return, the Master bound himself to pay to Lord Elphinstone yearly one thousand merks Scots, with the "custome foullis of Airth and Hallis of Airth," and to pay the half of all expenses incurred in connection with the coal and salt works on the lands of Elphinstone. Both agreed to concur for the welfare and standing of the house, etc.<sup>1</sup>

This contract, which does the parties to it great credit, was signed both by the Lord and the Master of Elphinstone. The inventory prepared of the plenishings within the place of Elphinstone gives a fair idea of the mansion, its arrangement and furniture, and of the apartments occupied by certain of the family. One of these is described as "My Lord Sutherlandis chalmer."

The years which follow immediately upon the period which has now been dealt with up to the time of the death of the Master of Elphinstone,

<sup>1</sup> Original contract in Elphinstone charter-chest.

who in the course of that time became Lord Elphinstone, were of special and far-reaching interest to the country. The events which transpired during that time were very stirring. What is known in history as the Second Reformation was then effected. That revolution was the logical and fitting outcome of what is called the First Reformation accomplished nearly eighty years earlier. Together they secured to Scotland a liberty which has descended through the intervening centuries to the present day. The Master joined in the movement which culminated in the Reformation. The part he acted in this connection, as well as in the other public affairs of the country, in the privy council, in parliament, in committees, and in commissions and otherwise, will be seen in what will now be related.

In 1633, King Charles the First was crowned in Scotland, having come from England for that purpose. In the year following his Majesty placed the Master of Elphinstone upon two commissions. One of these was for auditing the treasurer's accounts;<sup>1</sup> the other was the Court of High Commission for Scotland.<sup>2</sup> This last commission was highly distasteful to the public, and judging from the Master's subsequent actions it must also have been so to him. There is no evidence that he ever took any part in the work of the commission. Although little information is preserved about him at this particular time, he was doubtless actively engaged in the work of the country.

In January 1638, his father, Alexander, fourth Lord Elphinstone, died. The following are references to his death:—

1638, February. "Item, peyit to the toun of Sterling for the weluit mort cloith that was brocht to my lordis berieil, x lib."

"Item, on Fr[iday] the 17 of Februarii 1638 to your lordship to gif to the schereff deput and Jhon Willamson, clark in Sterling, for taking wp ane inventor of my Lord Elphinstones silk clothes, 7 dolloris at xiii lib x s."<sup>3</sup>

<sup>1</sup> Commission given at Whitehall 9th February 1634. The Earl of Stirling's Register of Royal Letters, vol. ii. pp. 719, 720. 21st October 1634, Baillie's Letters, vol. i. pp. 424-428.

<sup>2</sup> Commission given at Hampton Court <sup>3</sup> *Ibid.* There is, in the Elphinstone charter-chest, an office copy of precept by

The Master now succeeded to the Elphinstone peerage, and became the fifth Lord Elphinstone.

Lord Elphinstone was a member of the privy council when the Service-Book and Book of Canons were sought to be imposed on the Church of Scotland. The council, on 20th February, ratified the king's proclamation re-enforcing the Service-Book.<sup>1</sup> His lordship was also present on 1st March, when the council 'reasoned upon the causes of the present combustion within the Countrie,' and declared 'that the caus of this meiting is to represent to his sacred Majestie the trew estat of the Countrie, be occasion of the Service-Booke, Booke of Canons, and Hie Commission; and to thinke upon the best way how his Majestie may be satisfied in honnour, and the peace of the countrie secured.'<sup>2</sup>

At their next two sederunts, on 2nd and 3rd March, when he was again present, the council with one voice declared that the fears of the subjects regarding the Service-Book as being contrary to or without warrant of the laws of the kingdom were the cause of the combustion; and resolved that it was expedient to urge the king not to press his subjects in that matter in the meantime.<sup>3</sup> In terms of this resolution, they addressed a letter to the king, dated at Stirling, 5th March 1638. Lord Elphinstone was one of those who subscribed the letter.<sup>4</sup>

King Charles, compelled to listen to the representations made to him, agreed not to press the Service-Book, and granted a General Assembly, and other concessions. The council wrote to the king acknowledging the concessions, and his promise to forgive and forget the past. They also expressed their

the commissaries of Stirling to the sheriff-depute thereof to deliver to the executor of Alexander, fourth Lord Elphinstone, the keys of certain coffers in the place of Elphinstone, belonging now to his son, the fifth lord, on 28th March 1638. The Inventory taken before the sheriff-depute of Stirling on 16th February 1638 is printed in the report upon the Elphin-

stone collection in the Appendix to the Ninth Report to the Historical Commissioners, p. 194. It is therefore unnecessary to give it here.

<sup>1</sup> Memorials of the Troubles in Scotland (Spalding Club), vol. i. pp. 85-6.

<sup>2</sup> Baillie's Letters, vol. i. pp. 458, 459.

<sup>3</sup> *Ibid.* pp. 459, 460.

<sup>4</sup> *Ibid.* p. 462.

satisfaction with the course he adopted. This letter, dated 22nd September 1638, is also subscribed by Lord Elphinstone.<sup>1</sup>

On the same day Lord Elphinstone and the rest of the council subscribed the king's covenant.<sup>2</sup> He also signed, with others, the council's letter to the king intimating that they had done this.<sup>3</sup>

The General Assembly promised by the king convened at Glasgow on 21st November 1638. Lord Elphinstone attended the whole of its sittings, as shown by an entry in his Household Book:—

"Item, your lordschip being in Glasco at the Assemblée betuix Tysdy at nicht the 21 of November till Fredey the last thair of, being x dayes, for your lordschips ordinar and your lordschipsis compannie, conform to the particular comptis, xxxix lib. xix s." <sup>4</sup>

At the departure of the commissioner from the Assembly the council met and agreed to thank the king for the promises his commissioner had given to the Assembly in his name, and to issue a proclamation dissolving it. Lord Elphinstone was present at the meeting, and signed the letter to the king conveying the thanks of the council, and offering their lives and fortunes in defence of his person and in maintenance of his authority.<sup>5</sup>

In the year 1639 Lord Elphinstone, with other five persons, were appointed commissioners to hold the parliament which convened on 15th May 1639. He attended its different sittings, and when, on 30th August, in terms of a provision in his commission, the riding of parliament took place, he took part in it. Balfour in his *Annales* remarks that this "was the last parliament held in the kingdome after the ancient forme, royall prerogative in show being yet entere."<sup>6</sup>

After 30th August, the Earl of Traquair, the king's commissioner, con-

<sup>1</sup> Balfour's *Annales*, vol. ii. pp. 288-90.

<sup>2</sup> *Memorials of the Troubles, etc.*, vol. ii. pp. 43, 44.

<sup>3</sup> Balfour's *Annales*, vol. ii. pp. 290-292.

<sup>4</sup> Household Book, in Elphinstone charter-chest.

<sup>5</sup> Balfour's *Annales*, vol. ii. pp. 316-318. *Memorials of the Troubles, etc.*, vol. i. p. 107.

<sup>6</sup> *Acts of the Parliaments of Scotland*, vol. v. pp. 247, 249-251, 255. Balfour's *Annales*, vol. ii. pp. 354-358.

tinued parliament from time to time until 14th November 1639, because articles were presented which he considered derogatory to the king's authority and therefore necessary for him to refer to the king. On 14th November he prorogued parliament until 2nd June 1640, and presented his order and the king's commission to Lord Elphinstone and others to hold parliament, dated 20th August 1639, for insertion in the books of parliament.<sup>1</sup>

On 2nd June 1640 parliament again met. Meanwhile Traquair was at court. In his absence Lord Elphinstone received a letter from the king, dated at Whitehall, 26th May 1640, intimating his resolution to prorogue parliament to the 7th of July following; and requesting him as a commissioner to attend parliament and carry out this prorogation in terms of the powers contained in his commission of 20th August 1639.<sup>2</sup>

The lords of council for the parliament were summoned by a macer for prorogation of the parliament. On 2nd June, the day of the meeting of parliament, only four appeared, among whom was Lord Elphinstone, who, with the advocate and justice-clerk, made in all six, the required quorum being seven. The king's warrant, dated 26th May 1640, commanding any three or five of the commissioners to prorogate the parliament to 7th July was produced and read. Thereafter the commissioners present were required to attend at the parliament and fence and prorogate it. Lord Elphinstone took the warrant and commission and read them by himself. He then declared he was ready to do whatever was incumbent upon him as a loyal subject, but he could not accept the commission for fencing and proroguing the parliament. His lordship said his commission only warranted him to continue the parliament, and also that the king's commissioner be present. The advocate and justice-clerk urged that he had a more full warrant from the king than any he could receive from Traquair. Lord Elphinstone, however, replied that although the king's warrant was more than the commissioner's

<sup>1</sup> Acts of the Parliaments of Scotland, vol. v. pp. 254, 255.

<sup>2</sup> Original letter, in Elphinstone charter-chest.

*in se*, yet not in this case, where the king had devolved his power by commission in favour of the Earl of Traquair as his commissioner. Other arguments about the inconvenience his action would lead to failed to move his lordship. Lord Napier raised the same difficulty as Lord Elphinstone, and was equally firm in standing to it.<sup>1</sup> The intention of the court to prorogue parliament was thus defeated.

In or about the year 1640, a commission was granted to the Earls of Airth and Linlithgow, and Lords Kinpult, Livingstone, and Elphinstone, to be the king's lieutenants and commissioners within the whole shire of Stirling. They had power to convene the people, horse and foot, armed, and to pursue the king's rebels. The warrant for the commission is supercribed by the king, but the date is left blank.<sup>2</sup>

The relations between the king and his Scottish parliament did not improve during this year. There was a general alarm and call to arms in defence of religion and liberty. Charge was given by the committee of parliament to raise a fourth part of the able-bodied men, and money to meet expenses. Lord Elphinstone, to some extent at least, was involved in these measures. Thus, in July 1640, he paid for "ane horis to carie the cannon;" and a month later money was given to "John Livingstun, sone to Castal-karie, he being on of your lordschipsis horis men going out for the comone service, to furnis him horis and armes for the said service." Similarly money was given to another person for the same service on the same day.<sup>3</sup>

In addition to furnishing men Lord Elphinstone had also to pay his share of the tax imposed, as he paid in October of the same year, to one of the collectors for the presbytery of Stirlingshire, "of the tent peney of the voluntor contrabition for your lordschipsis lands, iij<sup>e</sup> lib."<sup>4</sup>

<sup>1</sup> Certified Extract, in Elphinstone charter-chest.

<sup>2</sup> Second Report on the Collections of the Duke of Montrose.—Third Report of the

Commission on Historical Manuscripts, p. 400.

<sup>3</sup> Household Book, in Elphinstone charter-chest.

<sup>4</sup> *Ibid.*

Lord Elphinstone was present in parliament in 1641, and was appointed one of the assessors at the trial of Mr. John Stewart. He petitioned to be freed from this duty, saying "that his conscience would not suffer him to sit as a judge, as he was descended to my Lord Argyle;" but without success.<sup>1</sup>

He served upon several committees of parliament during this year, and was present with Lord Balmerino at the riding of parliament. He also attended parliament in the subsequent years, 1644 and 1645, was placed on the commission for the plantation of kirks and valuation of teinds, and served in other capacities.<sup>2</sup> In 1647, the year before his death, he attended parliament and served on the committee of war for Stirlingshire.<sup>3</sup> In 1645 he was granted a protection by General David Leslie, commander-in-chief of the forces in Scotland, securing him against molestation in the lands of Elphinstone, Airth, Craigorth, and others.<sup>4</sup>

In the same year Lord Elphinstone entered into a contract with his wife, Dame Elizabeth Drummond, who therein renounced her liferent of the fourteen oxengate of lands of the Hill of Airth, reserving her liferent of the lands then occupied by Patrick Hayginis. Lord Elphinstone, on his part, disposed to her in liferent the lands of Craigorth with fishings in the Water of Forth, to be held of him or his heirs-male in free blench, etc. He also constituted her assignee to the teinds of these lands during her lifetime. He undertook to provide yearly for her use twelve chalders of coal with six bolls of salt, to be carried to the burgh of Stirling for her so long as coal was worked in Elphinstone, or else to refund the expense she might be put to in obtaining the same. He further warranted these and the lands formerly disposed to her, and now reserved, to be worth yearly thirty chalders victual, besides the "keanis" and customs thereof.<sup>5</sup> On the same

<sup>1</sup> Acts of the Parliaments of Scotland, vol. v. pp. 314, 315.

<sup>2</sup> *Ibid. passim.*

<sup>3</sup> *Ibid.* p. 325.

<sup>4</sup> Glasgow, 22nd October 1645. Original in Elphinstone charter-chest.

<sup>5</sup> Original contract in duplicate, *ibid.*

date his lordship granted to Lady Elphinstone a charter of Craigforth for her life.<sup>1</sup>

One distinguished correspondent of Lord Elphinstone was William Drummond of Hawthornden, whose family was connected with that of Elphinstone by marriage. The poet wrote a characteristic letter to Lord Elphinstone, addressing him as Lord Kildrummy.

“Lythgow, 15 of October, 1639.

“My Lord, heere yee haue the essaye of that piece your lordship desired mee to translate. It is in those sorte of rimes that the originall is. Many verses haue a grace in one langage and loose it in another. Some Latin is but shallow in English. I am assured no thing wanteth heere of the sense, and if there be any addition it is to make them keepe the English measures. The best translations showe vs but (as in goldsmithes shopes) jewelles through glasse. I had rather make twentye free lines ere I translated ten. And I admire translatores, like men capring in fetters. I request your lordship to pardone the imperfectiones of this translation, for if your lordship had not desired mee, and your desire was an absolute commandement, I would neuer stumbled on any translation. But what could not your lordship's letter moue him to vndergoe, who is allwayes deuoted to serue your lordship,

Wm. Drummond.

“To the right honorable and my verye good lord, my Lord of Kildrummye.”<sup>2</sup>

Lord Elphinstone died on 27th August 1648. Of the marriage between his lordship and Dame Elizabeth Drummond there was issue, according to the Birthday Book, four sons and six daughters :—

1. Alexander Elphinstone, the eldest son, was born 6th June 1608. He died in the third year of his age.
2. James Elphinstone was born on 3rd June 1609, and died young.

<sup>1</sup> Original charter and sasine, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

3. Alexander Elphinstone was born on 18th September 1612, and died young.
4. John Elphinstone was born on 8th June 1619, and died in the second year of his age at Elphinstone.
5. Jeane Elphinstone was born 8th April 1611, and died unmarried after 1630, when she is mentioned in the Household Book as alive.
6. Lilius Elphinstone was born on 24th November 1613, and was married.
7. Elizabeth Elphinstone was living in 1633, as stated in the Household Book.
8. Mary Elphinstone was born on 12th January 1621, and died young.
9. Isobel Elphinstone was born 16th June 1623, and died young.
10. Anna Elphinstone was born on 18th July 1625, and died young.



*Elphinstone*

*Elizabeth Drummond*

## XVI.—ALEXANDER, SIXTH LORD ELPHINSTONE.

LILIAS ELPHINSTONE, LADY ELPHINSTONE, HIS WIFE.

1648-1654.

James Elphinstone of Barnis, the father of this Lord Elphinstone, was the second son of Alexander, fourth Lord Elphinstone. He was "borne in Kildromie the 20th of November 1580," as shown in the memoir of his father, the fourth Lord. The two marriages of this Elphinstone laird of Barnis, and his children, one son, Alexander, afterwards sixth Lord Elphinstone, and two daughters, are all fully described there. It is therefore unnecessary to repeat the particulars in the present memoir.

Owing to the early death of all the sons of Alexander, fifth Lord Elphinstone, Alexander Elphinstone of Barnis became the heir-male and of entail of the territorial barony, as well as of the peerage of Lord Elphinstone, which was created in favour of the heirs-male of the first Lord by King James the Fourth.

Alexander, fifth Lord Elphinstone, Lord Kildrummy, was chosen to be one of the curators to his nephew, the youthful Alexander Elphinstone of Barnis. Certain lands in the district of Kildrummy, acquired by James Elphinstone, first of Barnis, in his own right, did not fall within the claim of the Earl of Mar in 1626. On the contrary, they descended to his only son, Alexander of Barnis, and were his heritable property in 1640-1644.

Very soon after coming of age a marriage was arranged between Alexander Elphinstone of Barnis and his cousin, Lilius, only surviving daughter of Alexander, fifth Lord Elphinstone. The contract was entered into at Elphinstone, on 14th November 1645, between Alexander Elphinstone of Barnis, on the one part, and Mistress Lilius Elphinstone, with advice and consent of her noble parents, and with consent of other honourable and

noble friends on the other part. Lord Elphinstone engaged to infest Liliās, his daughter, in liferent, after the decease of her parents, in the Halls of Airth, with fishings, etc., the seven and a-half oxengates of the Halls of Airth, in the shire of Stirling, and other lands. These lands Liliās accepted in satisfaction of all further liferent, conjunct-fee, or terce of lands and heritages she might crave by the decease of her future spouse.

In return for this, Liliās Elphinstone, with consent of her future spouse, renounced former provisions made to her by her father, and especially an annual rent of 2200 merks out of the barony of Elphinstone. Seeing that the estate and living of Elphinstone were provided to the heir-male, so that if only daughters were born of this marriage they would be secluded from succession to that estate, Alexander Elphinstone of Barnis engaged to pay them certain sums of money. They were thereupon to renounce to the heir-male all right they might have as heirs of line to their father or any of his predecessors, they being freed of debts incurred by them as such or because of these deeds. Lord Elphinstone engaged to keep, maintain, and entertain Alexander Elphinstone of Barnis and Mistress Liliās, his promised spouse, and their children, in his house and family during his lifetime, and to furnish them in all necessaries, as his own children. Alexander Elphinstone of Barnis in return undertook to sell whatever lands he had within the kingdom to the best advantage, and to apply the price for defraying the burdens upon the House of Elphinstone.<sup>1</sup>

On the date of the contract, and in fulfilment of the provisions contained in it, Lord Elphinstone granted a charter to Liliās Elphinstone, his daughter, of the Halls of Airth, and other lands above mentioned. Also on the same day Lord Elphinstone made a backbond in favour of his daughter Liliās, reinstating her in her liferent right out of the lands of Elphinstone, if she and her mother were alive together after the decease of Lord Elphinstone and Alexander Elphinstone of Barnis.

<sup>1</sup> Original contract in Elphinstone charter-chest.

During the remainder of the lifetime of Lord Elphinstone, his nephew and successor was styled "Master of Elphinstone," as the heir-apparent to the peerage, his lordship being now at the same time both his uncle and his father-in-law. Under the designation of Alexander, "Maister of Elphinstone," heritable proprietor of the lands aftermentioned, he granted, at Kildrymie Castle on 6th August 1646, first a bailliary to Alexander Reid in Newbigging of his lands in Corgarffe, Ardhunchar, and Brigend, in the barony of Kildrymie, and then a warrant to him to uplift from his tenants in Corgarffe and Kildrymie his termly maills, kaynes, and customs from his wadset lands in the barony of Kildrymie, till Reid should be discharged from the office. In both cases the signature of Alexander is, "A. Mr. Elphinston."<sup>1</sup> Lord Elphinstone and the "Master of Elphinstone" were in 1647 and 1648 both on committees of war for the shire of Stirling.<sup>2</sup>

On the death of Alexander, fifth Lord Elphinstone, on the 27th of August 1648, his nephew and heir-male, styled either Alexander, Master of Elphinstone, or Alexander Elphinstone of Barnis, inherited the peerage of Elphinstone, and became Alexander, sixth Lord Elphinstone. He was known and recognised as such by all parties interested. He also succeeded to the territorial barony of Elphinstone, and other lands invested in the heirs-male of the Elphinstone family. The territorial barony of Elphinstone was situated in the counties of Stirling and Perth; and as a step towards completing his feudal title to it, the new lord expedite a service in the sheriff court of Stirling on the 8th of November 1649. Besides the sheriff of Stirling, there were present a number of the county noblemen and gentlemen connected with the Elphinstone family and with the district, including John, Lord Erskine, eldest son of the Earl of Mar, Sir William Livingstone of West-

<sup>1</sup> Old copy of these two bailliaris, in Elphinstone charter-chest.

<sup>2</sup> 26th March 1647 and 18th April 1648. Acts of the Parliaments of Scotland, vol. vi. part i. p. 813, and part ii. p. 32.

quarter, knight, Sir Robert Elphinstone of Quarrell, knight, and others. The retour bears that Alexander, Lord Elphinstone, uncle of Alexander, Lord Elphinstone, bearer of the retour, died last seised in the lands, lordship, and barony of Elphinstone, with castle, tower, and fortalice, the Halls of Airth, the superiority of Powfowles, the quarter of the lands of Airthbeg, the lands of Bannockburn, with one bovate of land in the hill of Airth, called "lie Roishill," the lands of Quarrell, Carnock, Pleane, and Polknaif, Gargunnoch, with castle, etc., in the shire of Stirling, Pendreichie in the shire of Perth, and half the lands and barony of Calder in special warrandice of the Halls of Airth, all erected into the Lordship and Barony of Elphinstoun; also in the lands and Barony of Airth and others. The retour further bears that Alexander, now Lord Elphinstoun, is lawful and nearest heir-male, *ratione talliae*, of the late Alexander, Lord Elphinstone, his uncle, in the foresaid lands, etc., that he is of lawful age, and that the said lordship and barony have been in the king's hands as superior continuously since the decease of Lord Elphinstone, who died on 27th August 1648, for the space of one year and two months, in default of the heir prosecuting his lawful right.<sup>1</sup>

Soon after the succession opened to the sixth Lord, Dame Elizabeth Drummond, Lady Elphinstone, widow of the fifth and mother-in-law of the sixth Lord, entered into a new arrangement with the latter as to her jointure lands of Craigforth and Halls of Airth. Under that arrangement her ladyship, who is called throughout "Old Lady Elphinstone," agreed to live with her son-in-law, the new Lord Elphinstone, and Lilius Elphinstone, her daughter. Her son-in-law was authorised to uplift the maills of the Halls of Airth, while he engaged to pay the duties due from them and from her ladyship's other lands of Craigforth.<sup>2</sup>

The engagement entered into by Alexander, fifth Lord Elphinstone, and

<sup>1</sup> Retours, Supplement, vol. H, folio 101; also official extract in Elphinstone charter-chest.

<sup>2</sup> Original contract, dated 10th May 1650, *ibid.*

Alexander Elphinstone of Barnis, related in the contract of marriage, to infest Liliias Elphinstone in certain lands, had up to the time of the death of the Dowager Lady Elphinstone, never been carried out. This had been deferred, partly, as explained by the sixth Lord, because a part of the lands was liferented by her ladyship, and partly by the "oversight and neglect of me, that the samine was not done; and pairtlic be the said Dame Liliias her oune oversight, that did not desyre the samen to be done." The oversight was now remedied by a bond of provision given by Lord Elphinstone to Dame Liliias, his wife. That bond narrates that seeing "her father, my unckle, and to whom I succedit as air of tailzie;" and by his wife, to whom he makes the provision "during her lyftyme, seeing that she is the only lawfull daughter of the said deceist Allexander, Lord Elphinstone, my father-in-law, to whom I have succeded to his haill estaite and leiveing as air forsaid, and be my marriage with her," he therefore bound himself to infest her in liferent in his lands and baronies of Elphinstone and Craighforth, Halls of Airth, seven and a half oxegate of lands of the Halls of Airth, and others.<sup>1</sup>

Alexander, sixth Lord Elphinstone, has not been recorded as taking any striking part in the public events of his time. By the Scottish parliament, on 8th March 1649, he was selected as one of a numerous committee for the revaluation of the sheriffdom of Stirling.<sup>2</sup> In these Acts he is uniformly designated Alexander, Lord Elphinstone. In King Charles the Second's parliament, held at Perth, Lord Elphinstone was added along with the Earl of Panmure and others, to the committee of Estates, as one of the barons. The committee had been appointed first on 30th December 1650, and by their advice the king was to govern the kingdom.<sup>3</sup>

Notwithstanding Lord Elphinstone's slight connection with the politics

<sup>1</sup> Original bond, dated 21st April 1654, and notarial copy, made 20th March 1671, both in Elphinstone charter-chest.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. vi. part ii. p. 243.

<sup>3</sup> 31st March 1651, *ibid.* p. 663.

of his time, he was in principle a loyalist. Under Oliver Cromwell's "Ordinance of Pardon and Grace to the People of Scotland," issued on 12th April 1654, he thus appears as being fined,—“Lord Elphinstone, one thousand pounds sterling.”<sup>1</sup> In hopes of having this heavy fine reduced, Lord Elphinstone prepared a petition to the Protector's commissioners for fines, representing that he was conscious of his own innocence as to acting anything against the commonwealth of England, that he had no accession to the home-bringing of “Charles Stewart,” that his losses in these times had been exceeding great; and praying to be wholly discharged of the fine. Along with this petition are draft and unsigned certificates to prove that he did not sit as a member of the committee of the shire of Stirling, and that he had no charge of the war in the shire.

These certificates are dated in 1654, and seem to have been prepared by Lord Elphinstone himself to be subscribed and presented to the commissioner. From the interlineations on the petition, and the indorsation of 11th June 1655, the petition appears not to have been presented till after his death, which occurred in 1654.<sup>2</sup> The petition was so far successful that the fine was reduced to a third of the amount in the course of the following year.

Alexander, sixth Lord Elphinstone, died at his own house of Elphinstone on Thursday, 26th October 1654.<sup>3</sup> He was no doubt interred soon thereafter in the Elphinstone aisle in the parish churchyard of Airth.

<sup>1</sup> Acts of the Parliaments of Scotland, vol. vi. part ii. p. 820<sup>a</sup>.

<sup>2</sup> Scroll petition and certificates, in Elphinstone charter-chest.

<sup>3</sup> Birthday Book, *ibid*.

A handwritten signature in cursive script, reading "Elphinstone". The letters are fluid and connected, with a prominent initial 'E'.





XVI.—THE HONOURABLE LILIAS ELPHINSTONE, WIFE OF ALEXANDER,  
SIXTH LORD ELPHINSTONE.

1648-1675.

Lilias Elphinstone was the daughter of Alexander, fifth Lord Elphinstone, and Dame Elizabeth Drummond, his wife. Her birth is recorded in the Elphinstone Birthday Book in these words: "Lilias Elphinstoun was borne the 26 of November 1613, who was married."<sup>1</sup> Of the numerous children born to her parents she remained at the time of her majority in 1635 the sole survivor.

In the family Household Books entries occur relating to Lilias. The accounts written by her father in 1629-1633 mention purchases made for her of "Shifroun gluifs," green silk, and a New Testament and the Proverbs, all in 1630. On New Year's day 1633 she received from her father "ane dolour, lvij s.," her sister, "my dochter Elizabeth," only receiving xxix s. A later Household Book under the year 1637 notes payments made to Lilias for various purposes. The following may be given. On 2nd January "to gif in hansell to sundrie of the servandis;" ten days later "to play at the cardis in Quarrel;" in April no object in giving is stated, but simply "Item to Lilias and Elisabeth Elphinston;" and, on Sunday, 21st April, "to gif to the broid att the Kirk of Boithkener," her father being there at the communion.

As soon as Lilias Elphinstone reached her majority in 1635, a provision was made for her by her father of 2200 merks yearly out of the lordship and barony of Elphinstone. She received sasine of the annual rent in the Close of Elphinstone. It proceeded on a charter granted to Lilias, as their only daughter, by her father, with consent of his wife. The charter was also with consent of John, Lord Balmerinoch, for any right he could claim to the lands. It reserved the liferent to the granter and his spouse, and sus-

<sup>1</sup> Elphinstone Birthday Book.

pended payment during their lifetimes. It was also under reversion to the granter on payment of a Scottish angel of gold, or 10 merks Scots, in the parish church of Airth, or to the heirs-male of his body, on payment of £10,000 Scots, or to his heirs-male and of entail, on payment of 22,000 merks Scots. The provision was made that Liliās should not marry without her father's consent in his lifetime, or after his death without consent of John, Earl of Perth, Robert, Earl of Roxburgh, Alexander, Lord Elphinstone, John, Lord Balmerinoch, or any two of them, the Earl of Perth being always one.<sup>1</sup>

In 1648, her father, the fifth Lord Elphinstone, died. It was then deemed expedient to make up titles in favour of the Honourable Liliās Elphinstone as his only surviving child. The service of Liliās was expedited on the same date on which the sixth Lord was retoured heir-male of his uncle, the fifth Lord, and by the same inquest, with John, Lord Erskine, at their head, in the court of the sheriffdom of Stirling, and before the sheriff-depute. Alexander, now Lord Elphinstone, appeared for himself and in name of Dame Liliās, his lady, and produced a brief duly executed, with a claim desiring Dame Liliās Elphinstone, his lady, to be served heir of line in general to Alexander, Lord Elphinstone, her father. No objectors appearing, the sheriff-depute submitted the claim to an inquest of the same persons who attended the service of the sixth Lord. These in one voice, by Sir William Livingstone of Westquarter, their chancellor, served *affirmative* Dame Liliās Elphinstone as nearest and lawful heir of line in general to the late Alexander, Lord Elphinstone, her father.<sup>2</sup>

On the death of her husband in December 1654, Lady Liliās was left with a youthful family, Alexander, John, James, and Anna Elphinstone, all minors. Alexander, the eldest, who had now become seventh Lord

<sup>1</sup> Sasine, 12th January 1635, in Elphinstone charter-chest.

<sup>2</sup> Extract from sheriff-court books of Stirling; also original extract of service, both dated 8th November 1649, *ibid.*

Elphinstone, was only in the seventh year of his age. He was left in the care of his mother, his father not having nominated either tutors or curators. Alexander Elphinstone of Warthill, in Aberdeenshire, claimed to be the nearest male relation of age on the father's side, with right to the office of tutor. His claim was admitted. But there occurred practical questions with which Lilius, the Dowager Lady Elphinstone, had to deal, which introduced disagreement between them. A paper was drawn up on 5th April 1655, intitled "Overtours for agriement betuixt the Laird of Wartle and the Ladie Elphingstone, in order to the Tutorie."<sup>1</sup> These, however, failed to unite parties, and shortly afterwards Alexander Elphinstoun of Warthill renounced the tutory, chiefly "in respect my estaite and liveing doeth ly farr remot and distant from the saidis minoris."<sup>2</sup> Sir Robert Elphinstone of Quarrell, the next agnate, was appointed by Oliver, Lord Protector, to be tutor, and held the office for several years.<sup>3</sup> But his administration, and litigation with Lady Elphinstone, will be fully narrated in the memoir of Alexander, seventh Lord Elphinstone.

The marriage of her son, Alexander, seventh Lord Elphinstone, to Anna Burnet, daughter of Alexander Burnet, archbishop of Glasgow, and afterwards of St. Andrews, on 10th September 1667, necessitated new family arrangements for provision to the wife and children, and also to Lord Elphinstone's only surviving brother and sister. This was accomplished by a bond by his lordship, with consent of his curators. The bond narrates that Lady Elphinstone, his mother, for the weal and standing of his house and family, and to the effect that her other children might be the better provided, had paid three thousand two hundred merks Scots, and other sums due to the creditors of her son; she had also in the contract of marriage between his lordship and Anna Burnet, for the causes foresaid, disponed to his lordship 5000

<sup>1</sup> Original overtures, in Elphinstone charter-chest.

<sup>2</sup> Renunciation, dated at the Miltone of Wartill, 28th April 1655, *ibid.*

<sup>3</sup> Original gift of tutory, dated 15th June 1655, *ibid.*

merks. Lord Elphinstone therefore bound himself, with consent of his curators, to pay to Anna Elphinstone, his sister-german, and the lawful heirs of her body, whom failing, one-half of the sum to John Elphinstone, his brother-german, and his future lawful heirs, and the other half to return to himself and his heirs, and failing heirs of John Elphinstone, the other equal half also to return to Lord Elphinstone and his foresaids, of 10,300 merks Scots. The bond contains other provisions in favour of Anna Elphinstone, his sister-german.<sup>1</sup> Other bonds of relief to his mother were granted about the same time.

Lilias, Dowager Lady Elphinstone, made further family provisions towards the close of her life. At Elphinstone, on 27th January 1668, she made her testament, being then whole of body and mind, and of sound judgment and memory. She nominated Alexander, Lord Elphinstone, her son, her only executor, and made provisions in favour of her second son, John, and her only daughter, Anna. She recommended her special friends, John, Lord Balmerinoch, Charles Maitland of Halltown, and Mr. John Eleis of Eleistowne, elder, as overseers and advisers, to see her will and her younger children's provisions faithfully attended to. She likewise recommended her younger children to take the advice of these, her faithful friends, and to entertain peace, amity, and love amongst themselves.<sup>2</sup>

After the death of Alexander, seventh Lord, and the succession of her second son, John, eighth Lord Elphinstone, to the Elphinstone peerage, in May 1669, Lady Lilias continued her care of the estates and family. She made her son her assignee to a bond by Sir Robert Elphinstone of Quarrell, knight, and relative writs.<sup>3</sup> She also renounced in his favour her liferent

<sup>1</sup> Original bond, dated 10th September 1667, in Elphinstone charter-chest.

<sup>2</sup> Original testament, *ibid.* There are also preserved in the Elphinstone charter-chest several other writs of a testamentary and provisional nature in favour of her children,

dated 28th and 29th June and 1st July 1668, etc., her eldest son being always styled Lord Elphinstone in her lifetime.

<sup>3</sup> Original assignation, dated at Elphinstone, 6th July 1670, *ibid.*

rights, and any other right she had to the lands and estate, receiving a bond from him, and Charles Maitland of Haltoun, his Majesty's treasurer-depute, as security, for a yearly payment of 4000 merks Scots.<sup>1</sup> Lady Elphinstone had the satisfaction of seeing her daughter Anna happily married to Walter, Lord Torphichen.<sup>2</sup>

Towards the close of her life, Lady Elphinstone had portraits painted both of herself and of several members of her family. The account for these is as follows:—

“Item, to Mr. Caruduse for my lord Elphinstounes portraite with frame, 3 libs 10s. sterline.	}	lib.	s.	d.
“Item, for my lady Tarfichans portraite with the frame, thrie pounds tene shillings sterline.				
“Item, for my ladie Elphinstouns portrait with the frame, thrie pundis 10s. sterline.”				
		126	0	0

In the collection of Elphinstone family portraits there is one marked of Lady Liliās, and of her son John, the eighth Lord. These are probably the two Elphinstone portraits in the account. They are reproduced in this work.

Liliās, Lady Elphinstone, lived to an advanced age, and died in the year 1675. A brief notice of her death occurs in the register of burials for the parish of Airth:—

“Sabbath, November 21, 1675.

“This day the minister intimating publickly that my Lord Elphinstone, having given 20 shillings to the poor of the paroch at his mother, the old Lady Elphinstone her death.”<sup>3</sup>

The interment of Lady Liliās was no doubt in the Elphinstone family burial aisle in the churchyard of Airth. But after the lapse of a number of years her body was exhumed, and transferred to the Torphichen burying-ground, in Calder parish.<sup>4</sup>

<sup>1</sup> Copy of bond, dated at Edinburgh, 23rd March 1671, in Elphinstone charter-chest.

<sup>2</sup> Marriage contract, dated 7th April 1671, *ibid.*

<sup>3</sup> Extract from Parish Registers of Airth, *ibid.*

<sup>4</sup> Letter, Lord Torphichen to John, eighth Lord Elphinstone, dated 7th November 1705, *ibid.*

CHILDREN OF ALEXANDER, SIXTH LORD ELPHINSTONE, AND LILIAS LADY  
ELPHINSTONE, HIS WIFE.

1. Alexander, seventh Lord Elphinstone, of whom a memoir follows.
2. John, eighth Lord Elphinstone, of whom a memoir follows.
3. "James Elphinstone was baptized at Airth upon thirtie one day of July, the  
year of God, ane thousand six hundrethe fyftie and one." In another  
hand, "Died 26 March, being Monday, 1666."<sup>1</sup>
1. Anna. The following is the entry in regard to her in the Birthday Book :  
"Anna Elphinstone was baptized at Aeirth upon the tuentie and two of  
Junii, the year of God ane thousand six hundreth fourtie and eight." In  
another and later hand, apparently of John, eighth Lord Elphinstone, the  
following addition is made : "and married to Walter, Lord Torphichen, and  
bore him severall childrine, and left behind hir one sone named Walter."

Anna Elphinstone married Walter, sixth Lord Torphichen. The marriage  
contract is dated at Edinburgh, 7th April 1671. The contracting parties  
are Walter, Lord Torphichen and Calder, on the one part, and Mistress  
Anna Elphinstone, only sister to John, Lord Elphinstone, and the said Lord,  
and Dame Liliass, Lady Elphinstone, her mother. The bride was to be infest  
in liferent in the barony of Torphichen. Lord Elphinstone was to pay as  
tocher with his sister 18,000 merks.<sup>2</sup>

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> Original contract of marriage, *ibid.*

*James Elphinstone*

## XVII. 1.—ALEXANDER, SEVENTH LORD ELPHINSTONE.

ANNE, DAUGHTER OF ALEXANDER BURNET, ARCHBISHOP OF GLASGOW, AFTERWARDS ARCHBISHOP OF SAINT ANDREWS, HIS WIFE.

1654-1669.

Alexander, seventh Lord Elphinstone, was the eldest son of Alexander, then Master of Elphinstone, afterwards sixth Lord, and Lilius, Mistress of Elphinstone, his wife. His baptism in the Kirk of Stirling is thus recorded in the Session Books :—

“ Vpon Tuysday, the 30 of March 1647 yeires, Alexander, maister of Elphinstone, haid a sone, procreat betuixt him and Lilius, mistres of Elphinstone, named Alexander, who was baptized in the Kirk of Stirlin, the forsaid day and yeire, before these witnessis, Johne, Earle of Marr, George, Lord Stranevir, Johne, Lord Erskyne, and Alexander, Lord Elphinston. The which to be of veritie is witnessid by these. Extractit furth of the Register of Baptismes of the congregatioun of Stirlin be me, William Meiklejohne, clerk to the sessioun and keipar of the said register, as wituess this my subscripitioun manuell.—W. MEIKLEJOHNE.”<sup>1</sup>

On the death of his father, the sixth Lord, on 26th October 1654, his eldest son being only seven years of age, required the care of a tutor. The nearest agnate on the father's side was Alexander Elphinstone of Warthill, in the county of Aberdeen, who, however, renounced the office of tutory, for various reasons stated in his formal renunciation.<sup>2</sup>

The renunciation of Warthill opened the way to Sir Robert Elphinstone of Quarrell, knight, who was appointed tutor-dative by Oliver Cromwell, Lord Protector. The deed of appointment states the renunciation by Alexander Elphinstone of Warthill, “quho sould have succedit as tutor in law

<sup>1</sup> Original extract in Elphinstone charter-chest : “ Alexander Elphinstone, now lord, was baptized at Sterling upon the 30 day of March, the yiere of God ane thousand six

hundreth fourtie and scvine.” [Birthday Book, *ibid.*]

<sup>2</sup> Original renunciation, dated at the Milton of Warthill, 28th April 1655, *ibid.*

to him," of the said office, "in favours of Sir Robert Elphinstoun of Quarrell"; and appoints the latter as ruler, guider, and governor to him, of his lands and heritages, constituting him tutor-dative to the minor; with a provision that when the minor came to lawful age, Sir Robert should make count, reckoning and payment to him and his nearest friends, of his whole intromission with the premises.<sup>1</sup>

The inquest for Lord Elphinstone's retour as heir of his father, Alexander, the sixth Lord, was held in the tolbooth of Stirling by Sir William Bruce of Stenhouse, knight, one of the sheriffs-principal of the sheriffdoms of Stirling and Clackmannan. The inquest found him heir to his father in the lands and barony of Elphinstone, lands and barony of Airth, etc., in the shire of Stirling, including Pendreich in the shire of Perth, etc.; and of lawful age by reason of a dispensation contained in a charter to Alexander, (fourth) Lord Elphinstone, whereby his heirs-male and successors might be served at any time of their age to the barony of Elphinstone. In the retour his father is stated to have died in the month of December [October] 1654.<sup>2</sup>

The Elphinstone estate being much burdened with debt, the tutor and friends of the family resolved to sell part of it, in order to save the remainder. For this end the friends of the Elphinstone family who were directly interested entered into a contract of sale and conveyance. The parties to this contract were Alexander, seventh Lord Elphinstone, with consent of Sir Robert Elphinstone of Quarrell, knight, his tutor dative, and of Dame Lilia Elphinstone, Lady Elphinstone, his mother, on the one part, and Captain Alexander Bruce of Airth, on the other part. The preamble states on the part of the friends of Lord Elphinstone, that "his lands of Elphinstoun are affected with great debts and burdens," and that there was no possibility

<sup>1</sup> Original letter of tutory-dative in Elphinstone charter-chest. It bears to be given under the hand of the Director of Chancery, at Edinburgh, 15th June 1655.

<sup>2</sup> Extract retour, dated 30th May 1655, in Elphinstone charter-chest. Also Printed Retours, Stirlingshire, at date.

of subsistence without a speedy sale of a great part thereof, to preserve the remainder. It further states that Captain Alexander Bruce, out of his tender respect for Lord Elphinstone, was willing to accept of a disposition of the lands undermentioned. They, therefore, sold to him that part of the lands of Airth acquired by Alexander, fourth Lord Elphinstone, and by Alexander, then Master of Elphinstone, his son, from Sir John Bruce of Airth, benorth the Pow of Airth, as therein described. The contract narrates that Captain Bruce had already acquired the half of the lands bought by the Earl of Linlithgow. The price of the lands sold was "threttie-aught thousand twa hundereth merks, Scotts money."<sup>1</sup>

About the time Sir Robert Elphinstone of Quarrell entered on his tutory, he made a contract with Liliias, Lady Elphinstone, whereby she restricted herself to £100 sterling a year, for herself and her younger children, and gave over the management of her liferent lands to the tutor, who was to endeavour to pay the debts of the family.<sup>2</sup>

Lady Elphinstone and her friends naturally wished to get count and reckoning from the tutor of his receipts and expenses from the estate. Among others appealed to for the purpose of assisting her, was her uncle John, third Earl of Perth, who wrote to his kinswoman as follows:—

"Madam, According to the desyr of your ladyship's letter, I have sent heirwith such a warrand as we your frinds heir ar able to give, for taking the accompts of your ladyship and sonnes estat, quich I am certane the tutor nor no other intromettour will refuse, since it is both just and æquitable. The lord Cowper sent me word that he wes to be in Edinburgh schortlie, at quich time he hopped to sie yow; and I am certane will contribut his best indevors for the standing and good of that familie, quhairin he acknowledges himself much interessed. So as I doubt not bot ye will give him a meiting in all dewtifull respects, since it is liklie, at least thair is verie good resson, that he preffer your children to his estat, if God give him not aires of his owne. Your ladyship may mak your best wse of this my frindlie advertisment;

<sup>1</sup> Original contract of sale dated 15th October 1656, in Elphinstone charter-chest.

<sup>2</sup> Contract mentioned in papers in Elphin-

stone charter-chest. It is there said to have been destroyed by mutual consent in 1659, when the new agreement was made.

and belive none shall be mor readie to doe yow all the good offices that lyes in my power, as being your ladyships most affectionat uncle and servant, PERTHE.

"I haue sent to your ladyship that notte wich wes drawin wp in this hous at your heir-being, concerning the freinds opinion auent the managing of the affairs of your sons esteat, wich will serue to testifie our advyce at thatt tyme, in caice your ladyship haue no double therof by yow, together with the lord Coupers letter to the lard of Querrell.

"Stobhall, the 17 February 1657.

"For the richt honorabill my ladie Elphinstone, thes."<sup>1</sup>

On the same day the Earl wrote to Sir Robert Drummond of Meidope, knight, informing him that he had sent the warrant to the Lady Elphinstone, and doubts not, since the commission was directed to Meidhope and Mr. James Cunninghame, "ye will be careful to sie these erands go richt;" and says that "if we had farther power to testifie our goodwill towards that house, it suld not be mislipned."<sup>2</sup>

These attempts of Lady Elphinstone and her friends succeeded so far that Sir Robert, in 1659, entered into another contract with her ladyship. He agreed to renounce his office of tutor, "and to make count, reckoning, and payment of all his introumissionne thairwithe," under the penalty of 2000 merks.<sup>3</sup> But the settlement of Sir Robert Elphinstone's accounts was not finally arranged till the year 1681, when his estate was found debtor to Lady Elphinstone and Alexander, Lord Elphinstone, her son, in 24,000 merks, which were ultimately paid to John, the eighth Lord Elphinstone, to whom his mother had assigned her rights.<sup>4</sup>

Alexander, the seventh Lord Elphinstone, married Anne Burnet, eldest daughter of Alexander Burnet, then Archbishop of Glasgow, and afterwards of St. Andrews. The contract of marriage was made between Alexander, Lord Elphinstone, and Lady Elphinstone, his mother, with consent of the

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

<sup>3</sup> Copy of contract, dated at Edinburgh, 11th February 1659, *ibid.*

<sup>4</sup> Papers, *ibid.*

Earls of Linlithgow and Callander, and others, curators of Lord Elphinstone, on the one part, and Mistress Anna Burnet, eldest lawful daughter of the right reverend father in God, Alexander, Archbishop of Glasgow, and he for himself, on the other part. Lord Elphinstone and the said Anna agreed to marry each other, and Lord Elphinstone became bound to seize himself in the lands and barony of Barnis, in the parish of Towie and Migvie, and shire of Aberdeen. He further engaged to infest his future spouse in liferent in these lands, also in Craigforth, in the shire of Stirling, with the barony of Elphinstone in warrandice, and the Halls of Airth, and he warranted the same to extend yearly to 4000 merks Scots, free of teinds, etc. Lady Elphinstone, his mother, was infest for life in these lands and in the remainder of Lord Elphinstone's whole estate. Thus, during her life, he could have no part of the estate for the subsistence of himself, his wife, and family, and to pay his lawful debts. It being agreed he should have 9000 merks a year out of the estate for these purposes, etc., Lady Elphinstone overgave her liferent right to the lands, and agreed to pay her son yearly 5000 merks; with provisions for children of the marriage. The archbishop agreed to give with his daughter 40,000 merks, the last 10,000 merks to be paid at the first term of Whitsunday or Martinmas after the decease of Elizabeth Fleming, his wife; and, on payment of the last 10,000 merks, Anna's annual rent was to be increased proportionally to the 10,000 merks.<sup>1</sup>

The marriage was solemnised on the day the contract of marriage was completed:—"The said Alexander, Lord Elphinstone, was married to Mrs. Anna Burnett, eldest lawfull dawghter to the Lord Archbishop of Glasgow, vpon the tenth day of September j<sup>m</sup> vj<sup>e</sup> thriescore seven years."<sup>2</sup> In prosecution of the conditions of the contract, Alexander, seventh Lord Elphinstone, was retoured by a general service as heir to his grandfather, Mr.

<sup>1</sup> Copy contract of marriage, dated 10th September 1667, in Elphinstone charter-chest.

<sup>2</sup> Elphinstone Birthday Book, *ibid.*

James Elphinstone of Barnis, on 5th December 1668;<sup>1</sup> and Anne Burnet, Lady Elphinstone, received sasine of the lands and barony of Craigforth.<sup>2</sup>

Lord Elphinstone, on 5th January 1665, attended the funeral, to Largo Church, of John Lundy, laird of Lundy in Fife. The funeral was with great pomp, many of the nobility being present.<sup>3</sup>

His lordship was present at the opening of parliament in the years 1665, 1667, and 1669, and was chosen one of the commissioners of supply for the shire of Stirling, 23rd January 1667.<sup>4</sup> He was involved in the action against Sir Robert Elphinstone of Quarrell, his tutor, as his mother, Lillas, Lady Elphinstone, assigned to him her right to the bond by Quarrell to her, on which proceedings were founded. He also concurred with his mother for arrangements in favour of his younger brother and sister.

His father-in-law, Alexander Burnet, Archbishop of Glasgow, took a paternal interest in the affairs of Lord Elphinstone. His Grace wrote to his lordship an anxious letter in these words:—

“MY LORD,—I hope this will find your lordship and my daughter at Edinburgh, where it will be very necessary for yow to employ your tyme well, and to follow the bussiness yow have now in hand, with as much yigour and alacrity as may be. It is the first specimen yow are to give both of your dexterity [in] managing your owne affaires, and of your care and diligence, and as this f[alls] with yow, men will conecture of yow and the conduct of your affaires for the future. I beseech yow waite upon my Lord Chancelour as soone as yow can, and present my humble service to his lordship; assuring him that as soone as I am able to travell I shall be ambitious to waite upon him: but at present my cough and indisposition continue with me, and I mend but very slowly. Doe the like to my Lord St. Andrews and all our other friends, and lett me know if there be any thing wherein yow need the service or assistance of your very humble and faithfull servant,

ALEX. GLASCUEÑ.

“Glasgow, June 16, 1668.

“For my honourable good lord, my Lord Elphinston.”<sup>5</sup>

<sup>1</sup> Extract retour of general service in Elphinstone charter-chest.

<sup>2</sup> 20th September 1667. Original sasine, *ibid.* <sup>3</sup> Lamont's Diary, p. 174.

<sup>4</sup> Acts of the Parliaments of Scotland, vol. vii. p. 544.

<sup>5</sup> Original letter in Elphinstone charter-chest.

Alexander, seventh Lord Elphinstone, appears to have been in delicate health, and did not long survive. In his latter will he states that he was under some indisposition of body. He therein recommended his soul to Almighty God, "with assured hope off salvation in his mercie through the merite of my blessed and alone Saviour Jesus Chryst, my redeemer." He also recommended to his mother and father-in-law "the decent and ordourlie interment off my body in our ordinary buriall place with my ancestors;" nominated his dear consort, Dame Anne Burnet, his sole executrix, and appointed her to pay to John Elphinstone, his brother, 2500 merks Scots, out of the first maills and duties, and sundry other debts. To him he also left "my buffe coat and suite of armes." The will ends with a proviso, that if his consort were with child, the present will should not prejudice the child's rights to any of the premises. Dated at Elphinstone, 10th May 1669.<sup>1</sup>

Alexander, seventh Lord Elphinstone, died on the day succeeding that on which he made his will, as appears from the following brief entry in the Birthday Book, ". . . and died on Tuesday the 11 May 1669, at his owne house in Elphinstone." Lamont in his Diary gives a circumstantial account of his death:—

"1669, May.—The Lord Elphiston, a young man who leatlie married . . . Burnet, the Archbishops of Glasgow his dawghter, departed owt of this life att his dwelling howse about Sterling; who, comeing homeward from Glasgow to his infare, happened to lodge the night before att Kilsyth, who fell some what vnweill that night; and the nixt day haveing come home, being Thursday, he was forced to ryse from dinner, and the Tuesday after he deceasset and was interred shortlie after."<sup>2</sup>

In terms of his dying wish Lord Elphinstone was no doubt interred in the Elphinstone family burial aisle in the churchyard of the parish of Airth.

Anne Burnet, Lady Elphinstone, survived her husband several years.

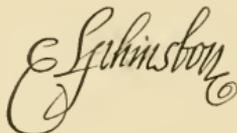
<sup>1</sup> Original Will, in Elphinstone charter-chest.

<sup>2</sup> Diary, p. 209.

The relations between her and Lady Liliastoun and her second son, John, eighth Lord Elphinstone, continued to be of the most friendly kind.<sup>1</sup> In the testament-dative of Alexander, Lord Elphinstone, John, Lord Elphinstone, his brother, is decerned to be his executor-dative as nearest of kin to him.<sup>2</sup> Anne Burnet, Lady Elphinstone, married, secondly, Patrick, Lord Elibank, and had issue. She had no children by Lord Elphinstone.

<sup>1</sup> Discharges, 15th and 20th February 1670, in Elphinstone charter-chest.

<sup>2</sup> Extract confirmed testament, dated 19th December 1670, *ibid.*

A handwritten signature in cursive script, reading "Alexander Elphinstone". The signature is written in dark ink on a light-colored background.A handwritten signature in cursive script, reading "Anne Elphinstone". The signature is written in dark ink on a light-colored background.





City Hall, New York  
of the 2nd Floor

Mrs ISABEL MATTLAND  
of the Earl of LAUDERDALE  
of John B. Lord Elphinstone  
No. 061706





XVII. 2.—JOHN, EIGHTH LORD ELPHINSTONE, AND THE LAST LORD WHO OWNED  
THE TERRITORIAL BARONY OF ELPHINSTONE.

LADY ISABEL MAITLAND (LAUDERDALE), HIS WIFE.

1669-1718.

John Elphinstone, eighth Lord Elphinstone, was the second son of Alexander, sixth Lord Elphinstone, and Lilia, Lady Elphinstone, his wife. He was baptized at Airth on 28th August 1649.<sup>1</sup> Of his early years and education no account has been preserved. He succeeded his elder brother, Alexander, seventh Lord Elphinstone, in the Elphinstone peerage and estates in May 1669. In the same year his lordship was present in parliament when the Earl of Callendar, in his name, gave in a protest on a question of precedence with Lord Rosse. In 1670, the year of his majority, two events of interest have to be noticed. On 29th March he was retoured under the designation of John, Lord Elphinstone, by the sheriff of Stirlingshire and a jury, including Charles, Earl of Mar, and other noblemen and gentlemen connected with the county, as lawful heir of his brother-german, Alexander, seventh Lord Elphinstone, in the barony of Elphinstone, and also in the barony of Airth.<sup>2</sup>

The second event was his marriage to Isabel, eldest daughter of Charles Maitland, Lord Hatton, brother of John, Duke of Lauderdale, and himself afterwards Earl of Lauderdale. The marriage was celebrated on 28th April 1670.<sup>3</sup> The youthful bride was only sixteen years of age, and the marriage feast was held at her father's house.<sup>4</sup> The marriage was preceded by a minute of agreement between John, Lord Elphinstone, and Charles Maitland of Hatton for his daughter, Isabel, by which the bride was to receive 5000 merks yearly out of the barony of Elphinstone. As both

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> Official extract retour, dated at Stirling, 29th March 1670, *ibid.*

<sup>3</sup> Birthday Book, *ibid.*

<sup>4</sup> Lamont's Diary, p. 219.

Lilias, Lady Elphinstone, and Anne Burnet, Lady Elphinstone, had claims on the estate, provisions were introduced to meet contingencies.<sup>1</sup> The tocher provided to the lady by her father was 15,000 merks.

Several grants which he received about this time may be referred to. One of these was a crown charter of the lands, lordship, and barony of Elphinstone, along with Pendreich in Perthshire, and Airth in Stirling, with erection of a burgh of barony of Elphinstone, all united into the barony of Elphinstone. The charter was to him and the heirs-male of his marriage with Isabel Maitland.<sup>2</sup> By another gift he received the escheat of brandy, wines, and beer.<sup>3</sup>

A third grant accorded to Lord Elphinstone at this time was that of a patent by the Lyon King of Arms of the family armorial bearings. These are as follows:—

“The right honorable John Lord Elphinstone for his atchievement and ensigne armoriall bears, Pearle ane cheveron diamond, betuixt three boars heads erased, rubie, armed of the first: Above the shield his croune, over the same ane helmet befitting his degree, mantled, rubie, doubled pearle: Next is placed on ane torse for his creast ane lady above the middle weell attyred, holding ane tower with her dexter hand pearle, and ane lawrell branch in her sinister: Supported by two savages wreathed about the head and middle with lowrell emerauld, carying clubs on their shouldders: And for his motto in ane escroll above the creast, Caus Causit.”<sup>4</sup>

Lord Elphinstone's public career commenced soon after his marriage. He made choice of the military profession, which he followed for about forty-five years. He also, during that period, served both in parliament and the privy council.

<sup>1</sup> Duplicate minute of agreement, dated 22nd March 1670, in Elphinstone charter-chest.

<sup>2</sup> 1st February 1673. Register of Great Seal. The charter was ratified by parliament in 1681 [Acts of the Parliaments of Scotland, vol. viii. p. 429].

<sup>3</sup> Copy gift, 30th November 1672, in

Elphinstone charter-chest. The gift, which was to him and his heirs for five years, comprehended the escheat of brandy, foreign wine, aquavita, and beer, except black beer, the importing of these being illegal.

<sup>4</sup> Original patent, dated 16th January 1673, *ibid.*

His lordship's first military appointment was a captaincy in the Stirlingshire Militia, which commonly had its rendezvous at Sauchieford, where he was on duty in the summer of 1674. He was, previous to May 1676, made a privy councillor of Scotland. At that date the king gave him a yearly life pension of £200 sterling for his faithful services.<sup>1</sup>

Lord Elphinstone was not insensible to these marks of favour, and endeavoured to prove himself worthy of them. His seizing at Stirling of two hundred and twenty muskets, supposed to have been imported with sinister designs against the government, is an evidence of this. This action of Lord Elphinstone was much appreciated at court. The king commanded Lauderdale to inform him of this, and to give him "his hearty thanks."<sup>2</sup>

Lord Elphinstone had an unbroken connection with the privy council down to the Revolution in 1688. The work of the council during that period consisted largely in the unpleasant duty of imposing tests and bonds, and inflicting fines for refusing to take these, and for disorderly marriages and baptisms, desertion of the parish church, and attendance at conventicles. Large numbers of different ranks and classes were involved in these proceedings.

A list of those convened before the commissioners of Stirling and Glasgow, in 1676, contains many names. It begins for Stirling with John Murray of Touchadam, and Margaret Stewart, his spouse, and Mr. David Broune, their chaplain, and for Glasgow with Sir George Maxwell of Pollok, and John Maxwell, his son. The committee of council, consisting of the Earl of Mar, Lord Elphinstone, and Lord Rosse, the last being preses, met at Stirling on 19th April 1676, and proceeded to fine non-conformists. Several persons pleaded that they were present at field conventicles accidentally, and were dismissed. The council approved of

<sup>1</sup> Copy of warrant, dated 6th May 1676, in Elphinstone charter-chest.

<sup>2</sup> Whitehall, 11th May 1676. Original letter, *ibid.*

<sup>3</sup> Original list, *ibid.*

these proceedings.<sup>1</sup> Next year the Earl of Mar and Lord Elphinstone were commissioned to take charge of the exaction of fines inflicted on persons in Stirlingshire, and of letters of caption against fugitives from justice.<sup>2</sup> As a result of the oppressions in the country, especially in sending the Highland host to the West in 1678, the Duke of Hamilton and other lords in person placed before the king their grievances, and tried to supersede Lauderdale. Lord Elphinstone wrote to Hatton, his father-in-law, on the subject, who replied that these attempts had not succeeded. He says, writing under date the 31st May 1679 :—

“Yesterday thos sent from the councell spok fully with the king. And as he with great keindnis and satisfaction declared they had to the full satisfied him in evry thing and in many things he knew not of : And gave all of vss that serve him great assurrenses never to part with vss. He is to cale the partie lords to hier what they can say, bot will not suffer his cuncel or any from them to be staited as a partie, or as *altera pars* ; and therefore will not suffer the partie lords to cum to him, where they ar with him. This of news ye may writ to Ros and Glencairne and to Mar.”<sup>3</sup>

Another letter, apparently between the same correspondents, and containing later information, is only a fragment without date, but may be assigned to June 1679. It proceeds—

“Tuesday last, being 17th, in the morning, the partie lords, etc., gave in a long paper to the king, which hes been so long expected. It containes complaints against the privy councill, in generall their actings, which it sayes are against law. It chargeth the Session with injustice in generall, and in all those are most of the instances they blame the Duke of Lauderdale, and in many, his brother, as serving his ends, in those their calumnious alleadgances ; last of it chargeth my Lord Duke of Lauderdale and his brother with particular acts of malversation. All which is black false, and in all they likways mistake the matters of fact grosly. This paper is to receive ane answer shortly, bot not in write, bot by the Advocat by word of mouth to the king.”<sup>4</sup>

The rising at Bothwell Bridge took place at this time. The council being

<sup>1</sup> Copy depositions at Stirling, 19th April 1676, in Elphinstone charter-chest.

<sup>2</sup> Original commission, dated 7th August 1677, signed by Rothes as chancellor, Lau-

dale, and the archbishops of St. Andrews, Glasgow, and others, *ibid.*

<sup>3</sup> Letter, *ibid.*

<sup>4</sup> Letter, *ibid.*

informed of the "herying of horses" in Fife "to strengthen the body of the rebels," required Lord Elphinstone to secure the passages of the Water of Forth, and to seize persons found with horses and arms who were without passes.<sup>1</sup> On 15th June 1679, Lord Elphinstone, with his troop of eighty men, was directed to join the Perthshire militia, under Montrose, at Linlithgow.<sup>2</sup> He joined Monmouth there, and five days later fought at Bothwell Bridge. Those who, on this occasion, attended the host, or were on their march to it, were thanked by the king, who said he would never forget their loyalty. The council acquainted Lord Elphinstone of the just sense his Majesty had both of his and his troopers' loyalty and affection.<sup>3</sup> These thanks were followed by a precept, by the king, to pay Lord Elphinstone £500 sterling out of fines or casualties belonging to his Majesty.<sup>4</sup>

In the autumn the Duke of York was expected in Scotland. The council resolved to meet him at the border of England. Lord Elphinstone was summoned to Edinburgh for that purpose, and was asked to invite the noblemen in his neighbourhood to attend.<sup>5</sup> The duke, who was soon recalled to England, returned to Scotland in the following year, and the council again met him, this time at Kirkcaldy. Lord Elphinstone was summoned as before,<sup>6</sup> and would no doubt again attend.

Soon after this Lord Elphinstone was promoted to the rank of colonel in the militia of Stirling and Clackmannan. His regiment was called to active service on the invasions of Argyll and Monmouth. He was instructed to have it well armed, and with twenty days' provisions, at Linlithgow, on the 21st of May,<sup>7</sup> and thereafter he received successive orders to march to

<sup>1</sup> Letter, dated 9th June 1679, in Elphinstone charter-chest.

<sup>2</sup> Letter from the Earl of Rothes to Lord Elphinstone, *ibid.*

<sup>3</sup> Letter, 4th July 1679, *ibid.*

<sup>4</sup> Letter from Lord Hatton, dated Windsor Castle, and copy precept, 27th July 1679, *ibid.*

<sup>5</sup> Letter, 16th October 1679, *ibid.*

<sup>6</sup> Letter from Rothes, 23rd October 1680, *ibid.* The letter states that the duke was hourly expected to arrive "the winds having been fair since His Highness parted from England."

<sup>7</sup> Letter, subscribed by James, Earl of Perth, chancellor, dated Edinburgh, 14th May 1685, *ibid.*

Ochiltree,<sup>1</sup> and Irvine.<sup>2</sup> The regiment received ammunition to bring to Glasgow, and on its way thither quartered at Eaglesham, where it was to keep guard, and to seek for and receive the rebel prisoners. The letter containing these orders states, among other news, that—

“Argyle is caried away hence in Dindonald’s coach with a party of the kyngs guard, dragounes and my Lord Inerowray troupe of horse to Edinburgh. His lordship looks evill on it, and abyds based in his principalls as yet. There is maney prisoners come in heir to the number of 80.”<sup>3</sup>

Lord Elphinstone’s regiment marched to Glasgow “to keep things ther in good order,” and to guard the prisoners and train of artillery. His connection with this brief campaign closed at the end of June. He received orders on 28th June to march home as soon as he was relieved by the Earl of Strathmore.<sup>4</sup>

The king granted an annual pension of £200 sterling to Lord Elphinstone,<sup>5</sup> no doubt in continuation of the pension by King Charles the Second of the same amount. That pension had been irregularly paid, and his Majesty issued a warrant to examine what remained due of the grant since his accession.<sup>6</sup> The sum of £100 sterling which was found to be due was paid to his lordship.

Lord Elphinstone refused to concur in parliament with the proposal of King James to repeal the penal laws against Roman Catholics. His pension was thereupon withheld. He now went to Holland, whence he returned to England with the Prince of Orange. He entered heartily into the Revolution, and signed the Act declaring the legality of the meeting of Estates, and the letter of congratulation to King William. He was appointed

<sup>1</sup> Letter, dated Glasgow, 28th May 1685, signed Linlithgow, in Elphinstone charter-chest.

<sup>2</sup> Letter from the Earl of Dumbarton, Commander-in-Chief of the forces in Scotland, dated Ayr, 30th May 1685, *ibid.*

<sup>3</sup> Letter from J. Levingstone to Lord

Elphinstone, dated Glasgow, 20th June 1685, *ibid.*

<sup>4</sup> Letter from the Earl of Dumbarton to Lord Elphinstone, *ibid.*

<sup>5</sup> 24th March 1686. Privy Seal.

<sup>6</sup> Copy of warrant, dated Whitehall, 28th January 168<sup>5</sup>, in Elphinstone charter-chest.

colonel of the militia of Stirling, and a commissioner to visit the universities and schools.<sup>1</sup> But his military predilections predominating, he entered the army in Scotland as a captain of horse, and afterwards became a captain of dragoons. When his troop of cavalry was stationed at Old Aberdeen in 1690, he was made a burgess of that burgh.<sup>2</sup> His desire to improve himself in the military art, and to prove his loyalty to his Majesty, induced him to go to Flanders in 1692, where the king gave him a company in the Earl of Leven's regiment. He remained in Flanders for some years. There was due to him of subsistence when he demitted his command four hundred and eighty-seven gilders and three orkies current money, or three hundred and sixty gilders of forage money.<sup>3</sup> In a petition he presented to the king about 1697, Lord Elphinstone claimed that he had "done all the duties of my post as much as the meanest captain in your army," and craved a higher post, and the renewal of the pension granted him by King Charles. He states that the pension had not been paid since the Revolution, "though I had the honour to come over with your Majesty."<sup>4</sup>

After leaving the army Lord Elphinstone returned to his public and private duties at home. In 1696 he subscribed the Association in defence of King William.<sup>5</sup> We have now detailed at some length the public services of Lord Elphinstone as a member of the parliament and privy council of Scotland, and also as a military officer both at home and abroad. In all these capacities he operated cordially with the public officers, both civil and military, with whom he was associated.

The barony of Elphinstone which was inherited by this Lord Elphinstone was of moderate extent. It was burdened by the jointures of two dowagers, his mother and sister-in-law, as well as a large amount of debt.

<sup>1</sup> Acts of the Parliaments of Scotland, vol. ix. (1689-1690) at date.

<sup>2</sup> Burgess ticket, 23rd October 1690, in Elphinstone charter-chest.

<sup>3</sup> Original attestation given at Fort

William, 28th August 1696, signed "J. Maitland," *ibid.*

<sup>4</sup> Draft Memorial and relative letter, *ibid.*

<sup>5</sup> Acts of the Parliaments of Scotland, 10th September 1696, vol. x. p. 10.

His income was in part derived from the working of coals and salt pans. These were precarious, and he seems to have been advised to part with his coal works in Elphinstone, as well as the lands of Barnis and others in the earldom of Mar. But even the sale of these did not bring sufficient pecuniary relief to Lord Elphinstone, and he was ultimately advised reluctantly to part with the barony of Elphinstone itself, after it had been in the possession of the family for so many generations. Notwithstanding many honourable endeavours to save the patrimonial barony, the burdens were too onerous to allow of it; and an arrangement was therefore made between Lord Elphinstone and a cadet of the Elphinstone family, Richard Elphinstone of Calderhall, to purchase the barony of Elphinstone, with the exception of the mansion-house and gardens, and grounds about the house. Richard Elphinstone, who undertook to relieve Lord Elphinstone of the burdens on the estate, obtained a crown charter of the barony of Elphinstone. He, however, died soon afterwards, and was succeeded by his son Charles Elphinstone. On his death, his sister Elizabeth Elphinstone was served heir to him in the lands in 1699. In 1703, with consent of her husband, Mr. Dundas, she disposed Elphinstone to Sir James Primrose of Carrington, afterwards Viscount Primrose, who was the father of Elizabeth Primrose, afterwards Lady Elphinstone, thus defeating the endeavours of Lord Elphinstone to have the estate continued in the Elphinstone family.

The health of Lady Elphinstone had been failing for some time before her death, which took place at Elphinstone on 7th October 1706, in the sixty-first year of her age. Her ladyship was buried in the Elphinstone aisle at Airth on the 11th of the same month.<sup>1</sup>

Following the example of the fourth and fifth Lords after they were despoiled of the valuable barony of Kildrummie, when they entered into a mutual agreement to live together in family under the same roof, Lord Elphinstone, in the year 1709, made an arrangement with his daughter-

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

in-law, Dame Elizabeth Primrose, Mistress of Elphinstone, for herself and as factrix for Charles, Master of Elphinstone, her spouse. By that agreement Lord Elphinstone, out of regard for the weal and standing of the family, renounced in favour of the Master and the Mistress his liferent right of Elphinstone for one year after Martinmas following, according to Lord Elphinstone's pleasure. On her part, the Mistress covenanted to keep house and family at Elphinstone, and to maintain him and Mary Elphinstone, his daughter, and their servants and horses, according to their rank and quality, and to pay him a certain sum yearly, along with an annual grant he had given to Mary his daughter, besides certain accounts which were still owing. She also agreed to other conditions as therein stated.<sup>1</sup> A further agreement was entered into between them in the following year confirming the economical provisions above stated and providing for others. Both the parties engaged to restrict themselves, upon their word of honour, to these provisions, and to allow the remaining rents of the estate of Elphinstone to be reserved for payment of the debts of the family.<sup>2</sup>

Lord Elphinstone lived nearly eight years after this agreement was made, and died at Elphinstone on 24th March 1718, in the sixty-ninth year of his age.<sup>3</sup> By his marriage with Lady Isabel Maitland he had seven sons and six daughters.<sup>4</sup>

<sup>1</sup> Original agreement, 22nd August 1709, in Elphinstone charter-chest.

<sup>2</sup> Second agreement, 11th August 1710, *ibid.*

<sup>3</sup> Birthday Book, *ibid.*

<sup>4</sup> The thirteen children of this Lord Elphinstone, the eleven children of his son, the ninth Lord, and the fourteen children of the tenth Lord, show how prolific the Elphinstone family were over the period thus represented. But neither of these instances equals that of the fourth Lord Elphinstone, who had nineteen children, and one of his daughters, Margaret Elphinstone, the wife of Captain Bruce of Airth, had fourteen, making together thirty-three children. But, while vouching

for the number of the children of the respective lords now mentioned, notice must be taken of the fable which has been circulated that the eighth lord and his wife, Lady Isabel Maitland, had thirty-six children. In connection with that fable, the story has been told of the explanation given by the eighth lord to a stranger, that he had invited to the family dinner "just themselves two," and no other company. The stranger was surprised when a goodly number of the thirty-six came trooping in to dinner. But he was assured by the host that they were "only the lads and the lasses." It is quite apocryphal thus to increase the real number almost threefold.

1. John, born at Edinburgh, 13th May 1672. Died young.<sup>1</sup>
2. Charles, born at Edinburgh, 18th November 1676. Died young.<sup>2</sup>
3. Richard, born at Edinburgh, 26th October 1678.<sup>3</sup> He died young.
4. James, born 14th, and baptized at Edinburgh 19th February 1681.<sup>4</sup> He appears to be the James Elphinstone, Esquire, appointed page of honour to her Majesty in ordinary, in the room and place of George Fielding, Esquire.<sup>5</sup> He died young and unmarried.
5. Charles, ninth Lord Elphinstone, of whom a memoir follows.
6. John, born at Elphinstone, 13th, and baptized 26th August 1685.<sup>6</sup> Died young.
7. "My sone Williame wase borne in York Buldings in London the 13t or 14t day of Marche 1689 years, and was chr[i]sted the day of by Mr. William Carstairs, minister of the gospell."<sup>7</sup> In the agreement made between John, Lord Elphinstone, and his daughter-in-law, Elizabeth Primrose, Mistress of Elphinstone, it is provided that she should pay to William Elphinstone, then ensign in Colonel Prestoun's regiment, a certain sum yearly till he was promoted to be a captain, and also thereafter in case he should lose the post.<sup>8</sup> He is generally designated Captain, and is said to have been killed at the battle of Preston in Lancashire in 1715.
1. Elizabeth, born at Edinburgh, 24th May 1673.<sup>9</sup> She married the Honourable John Campbell of Mamore, second son of Archibald, ninth Earl of Argyll.<sup>10</sup> Mamore, on 25th January 1705, gave a disposition to James, Viscount of Primrose, of a bond of provision for 18,000 merks Scots, granted by John, Lord Elphinstone, to Mrs. Elizabeth Elphinstone, his only [eldest?] daughter, spouse of John Campbell, affecting the lands of Elphinstone.<sup>11</sup> She died on 13th April 1758.

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*                    <sup>3</sup> *Ibid.*                    <sup>4</sup> *Ibid.*

<sup>5</sup> Original certificate, dated 23rd February 1691-2, *ibid.*

<sup>6</sup> Birthday Book, *ibid.*                    <sup>7</sup> *Ibid.*

<sup>8</sup> Agreement, 22nd August 1609, *ibid.*

<sup>9</sup> Birthday Book, *ibid.*

<sup>10</sup> The Elphinstone family Birthday Book has the following written in a later hand—

"Elizabeth married John Campbell of Mamore and was the mother of John, fourth Duke of Argyll; Mary, wife of James, second Earl of Roseberry; Anne, of Archibald Edmonstone of Duntreath; Isabella, of Alexander Montgomerie; Jane, of John Campbell of Carrick; and Primrose, of Simon, the last Lord Lovatt."

<sup>11</sup> Excerpts from inventory of writs of Dunmore, in Elphinstone charter-chest.

2. Isobella, born at Edinburgh, 7th November 1677, and died there in June 1679, "the rebels being in armes."<sup>1</sup>
3. Mary Beatrice Anna Margaret Frances Isobella, named after the Duchess of Albany, who was then in Scotland. Born at Edinburgh, 10th January, died 14th February 1680.<sup>2</sup>
4. Anna, born and baptized at Hatton, 29th May 1683.<sup>3</sup> She was deceased before 1706, when Margaret is called Lord Elphinstone's second daughter. In the agreement of 22nd August 1709 already quoted, Elizabeth, Mistress of Elphinstone, consented to pay the accounts for the funeral of the deceased Mrs. Ann Elphinstone, Lord Elphinstone's second daughter.<sup>4</sup>
5. Margaret, born at Elphinstone, 30th May, and baptized 3rd June 1684. She "was married to George Leslie of Balquhine upon the day of 1706. He was second sone to Patrick Leslie of Balquhine, who was a Count of the empire. His eldest sone succeeded to the estate and titel in Germany."<sup>5</sup> The marriage articles were made between George Leslie, only son of the second marriage of Patrick, Count Leslie, Baron of Balquhain, with consent of his father, and Mrs. Margaret Elphinstone, second daughter of John, Lord Elphinstone, with his consent, and that of her brother, Charles, Master of Elphinstone.<sup>6</sup> She married, secondly, Sir James Gordon of Park; and had issue to both her husbands. She married, thirdly, John Fullarton of Dudwick, who is called her husband in an assignation by her to Ernest Leslie of Balquhain of a heritable bond of corroboration by Charles, Lord Elphinstone, of various sums due to her through her articles of marriage.<sup>7</sup>
6. Mary. "My dawghter Mary was borne at Newport Pond in the countie of Essex in England, the 30 day of September 1686, abowe six in the morning, and was christned the 7t of October at the said towne by Mr. Ricks, schooll-master of the said towne of Neuport Pond, in the countie above said."<sup>8</sup> The Mistress of Elphinstone, in the agreement with John, eighth Lord Elphinstone, of 1709, engaged to keep Mary Elphinstone, along with her father, according to their rank and quality. She received

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Agreement, 22nd August 1709, *ibid.*

<sup>5</sup> Birthday Book, *ibid.*

<sup>6</sup> Dated 17th and 31st May 1706, and 28th

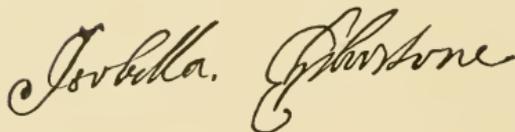
October 1708. Excerpt from inventory of Dunmore writs, *ibid.*

<sup>7</sup> Assignation, dated 19th April 1735. Excerpt from inventory of Dunmore writs, *ibid.*

<sup>8</sup> Birthday Book, *ibid.*

from her father on 20th August 1709 a bond of provision for 7000 merks. A corroboration of that bond by Charles, ninth Lord Elphinstone, dated 6th August 1729, contains an obligation to infest her in an annual-rent corresponding to the said sum out of the lands and barony of Elphinstone.<sup>1</sup> Mary Elphinstone married Thomas Buchan of Cairnbulg, advocate.

<sup>1</sup> Extract inventory of Dunmore writs in Elphinstone charter-chest.

A handwritten signature in cursive script, reading "Elphinstone". The letters are fluid and connected, with a prominent flourish at the end of the word.A handwritten signature in cursive script, reading "Isabella Elphinstone". The signature is written in a similar style to the one above, with a large initial 'I' and a decorative flourish at the end.



CHARLES  
LE ROI D'ESPAGNE  
SAINT-MARTIN



Portrait of a woman  
by the artist's studio  
17th century





## XVIII. 2.—CHARLES, NINTH LORD ELPHINSTONE.

ELIZABETH PRIMROSE, LADY ELPHINSTONE, HIS WIFE.

1718-1757.

Charles Elphinstone was the fifth son of John, eighth Lord Elphinstone, and Isobel Maitland, his wife. He "wase borne the fowrteent of Aprile 1682 and cristned att Cannonegeat the first of May 1682."<sup>1</sup>

When he was eighteen years of age, Charles Elphinstone attended the University of Glasgow. In the Register of Matriculations of that University the date of his matriculation is given as 18th March 1700. He there attended the Third Class of Philosophy, then taught by Professor John Law. John Elphinstone, the younger brother of Charles, matriculated at the same time, and attended the same class with him. Charles Elphinstone is described in the register referred to as the eldest son of Lord Elphinstone—"filius natu maximus domini de Elphinston"<sup>2</sup>—which shows that by this time his four elder brothers were all deceased. Among those who attended this class with him in 1700 were John Edmonstone, eldest son of the laird of Broich, a neighbouring family to the Elphinstones in Stirlingshire, and John Robertson, eldest son of the laird of Earnock.<sup>3</sup>

In consequence of the death of his four elder brothers, John, Charles, Richard, and James, Charles Elphinstone was now Master of Elphinstone. He contracted an early marriage with Elizabeth Primrose, daughter of the late Sir William Primrose of Carrington, Baronet, and sister of Sir James Primrose, Baronet of Carrington, who was created Viscount of Primrose, Lord Primrose and Castlefield in 1703. The marriage was celebrated at London on 12th September 1702.<sup>4</sup> In the following year, James, Viscount of Primrose, acquired from Elizabeth Elphinstone, Lady Airth, with consent

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> *Munimenta Universitatis Glasguensis* (Maitland Club), vol. iii. p. 169.

<sup>3</sup> *Ibid.*, p. 170.

<sup>4</sup> Birthday Book in Elphinstone charter-chest.

of her husband, the barony of Elphinstone, with the exception of the mansion-house, gardens, and land round the house, still possessed by Lord Elphinstone. The Viscount appointed his brother-in-law, Charles, Master of Elphinstone, factor on his Elphinstone estates in 1704. The factory was renewed in 1707 by the trustees of Archibald, second Viscount of Primrose, and later by Hugh, third Viscount of Primrose. John, eighth Lord Elphinstone, and his son, Charles, the Master, granted a discharge to Elizabeth Elphinstone, Lady Airth, of all claims they had against her, and she, on the other hand, granted a discharge to Lord Elphinstone and his son the Master, of all transactions with the deceased Richard and Charles Elphinstones, her father and brother.<sup>1</sup>

In an account between John, Lord Elphinstone, and the Master, dated 14th May 1705, it is stated that Lord and Lady Elphinstone had passed from articles given to the Master and his lady, and therefore that the Master would pass Lord Primrose's infertment of the barony of Elphinstone through the seals, and relieve Lord Elphinstone and the estate thereof.<sup>2</sup>

Charles, Master of Elphinstone, following the example of his father the eighth Lord, adopted the military profession, and served in the campaigns of Marlborough in Flanders. He was a captain in Brigadier Grant's regiment, formerly commanded by John, Earl of Mar.<sup>3</sup> This regiment was ordered abroad in 1708, and was quartered successively at Ghent, Antwerp, and Tournay, and in September 1709 took part in the siege of Mons. In the beginning of 1711 the regiment was ordered home, and thereafter part of it was drafted into other regiments to join in an expedition ostensibly against Quebec. The rest of the regiment was quartered in Stirling and Dundee, and in August was disbanded, the officers being attached to the regiment of Colonel Crichton, then in Ireland.

<sup>1</sup> The concurrent mutual discharges, both dated 21st September 1703, in Elphinstone charter-chest.

<sup>2</sup> Original account, *ibid.*

<sup>3</sup> Alexander Grant of Grant was made colonel of the regiment on 4th March 1706.

While Lord Elphinstone was on the continent Lady Elphinstone acted as his factrix. In that capacity, as well as on her own part, she concluded the agreement, already narrated, with Lord Elphinstone, her father-in-law, for his residence with her at Elphinstone.

As shown in the immediately preceding memoir, John, the eighth Lord Elphinstone, died on 24th March 1718, and his eldest son, the Master, became ninth Lord. The last election of peers at which the late Lord voted was that of 1715, on the accession of King George the First, when William, Marquis of Annandale, was proxy for him. The first election of peers at which the ninth Lord took part was in 1721, for a representative in room of the Marquis of Annandale, who had died since the former election. The contest on that occasion lay between two brothers-in-law, Alexander, ninth Earl of Eglinton, and William, second Earl of Aberdeen, and was carried on with great keenness. Lord Elphinstone was applied to by both the candidates and their friends, and their conflicting claims pressed heavily upon him. The Duke of Argyll and Greenwich thanked him for his kind assistance in Stirlingshire, and craved his vote for Lord Eglinton. His Grace engaged to make any return in his power, adding—"Your lordship knows I am a plain man, and my word is to be depended upon."<sup>1</sup> On the other hand, Lord Elphinstone was applied to, on behalf of the Earl of Aberdeen, by the Duke of Montrose, the Duke of Hamilton and Brandon, and Elizabeth, Countess of Hyndford.<sup>2</sup> The result of this keen contest was that the Earl of Aberdeen was elected by a majority of five votes over the Earl of Eglinton, for whom Lord Elphinstone voted.<sup>3</sup>

Charles, Lord Elphinstone, had now quitted the military service, and was able to devote his attention during the remainder of his life to his family and estates. In 1726 he succeeded in getting James Elphinstone, his second surviving son, into the navy. Correspondence still preserved

<sup>1</sup> Letter in Elphinstone charter-chest.

<sup>2</sup> Letters, *ibid.*

<sup>3</sup> Robertson's Peerage Proceedings, p. 84.

in the family collections evinces the care he took about his son's interests in this matter.

In 1735 he arranged an advantageous marriage for his third surviving son, Charles Elphinstone, who afterwards succeeded him as tenth Lord Elphinstone. This marriage, which will be fully described in that Lord's memoir, may here be noticed only so far as to point out Lord Elphinstone's endeavours to promote the welfare of his family, and how well he succeeded in that object.

A letter written to his son after his marriage with Lady Clementina Fleming, the eldest daughter of John, sixth Earl of Wigton, shows his anxiety about the interests of his son. It is as follows:—

“Newlistown, 11th March 1737.

“DEAR CHARLES,—I have no more time than to tell you that Lord Stairs state of health is the most precarious that can be imagined. The particulars your mother can inform you.

“My being at Edinburgh was at Lord Wigtowns desire, as I beleved to make a settelment on his daughter and you. But the whole landed in this, that Lady Clementinas portion should be secured in liferent to you, and your children in fee, which is allready done by Lady Clementina and you before she was brought to bed, but must now be in a more formall maner, he being ignorant of what is done. In short he does barylly what the contract of maridge oblidges him to. By it Lady Clementina is expressly cut of from succeeding to the estate or ony part off the executry. I have time to say no more, but that you see what you have to trust to by the inclosed scrole of the papers to be signed when we are all in the cuntry. Im very glad to hear Clementina is so well recoverd, and with the greatest truth and regard, I am to you both a most affectionat father,

ELPHINSTONE.”<sup>1</sup>

The alliance of his son with Lady Clementina Fleming proved a happy arrangement, and retrieved to a considerable extent the fortunes of the family. It added lustre to the Elphinstone family alike in the connection which was formed, in the addition it brought to the family arms, and also in the descendants of the marriage. Besides the estates of Cumbernauld and

<sup>1</sup> Letter in Elphinstone charter-chest.

Biggar which came to the family through her ladyship, the whole of the Wigton estates were also, in 1747, through her as heiress of her uncle, Charles, seventh Earl of Wigton, secured to the Elphinstone family. Further, upon the death of George, last Earl Marischal, John, afterwards eleventh Lord Elphinstone, as eldest son of Lady Clementina, the heir of line, inherited any unentailed property left by his lordship under a general disposition made by the earl in his favour in the year 1769.

The additions made to the Elphinstone arms by this marriage were no less considerable. The family thereby obtained the right to bear the arms of the families of Fleming, Earl of Wigton, Keith, Earl Marischal, and Drummond, Earl of Perth, as well as of the Frasers, quarterly with those of Elphinstone. George, the fifth son of this marriage, became successively Baron Keith and Viscount Keith, while other descendants rose to considerable distinction.

Lord Elphinstone manifested the same care over his estates, although not with the like favourable results. As stated in the preceding memoir, his father sold the lands and barony of Elphinstone to a cadet of the family. In 1737, however, Lord Elphinstone obtained a charter of resignation under the great seal of the lands, lordship and barony of Elphinstone and others.<sup>1</sup> His next transaction relating to these lands was in 1754, when he sold those at the time remaining with him, but reserving his own liferent in them.<sup>2</sup> The purchaser of Elphinstone was Mr. Ronald Crawford, writer to the signet, on behalf of the trustees of John, Earl of Dunmore, to whom Mr.

<sup>1</sup> 26th July 1737, Reg. Mag. Sig., Lib. 96, No. 12. The charter proceeded upon a procuratory of resignation contained in the disposition by Elizabeth Elphinstone, Lady Airth, and her husband, to Sir James Primrose. The sasine following the charter is dated 16th December 1738, and is registered 14th February 1739.

<sup>2</sup> Disposition, dated 7th, and registered 8th January 1754. Of the £16,000 received for VOL. I.

Elphinstone, £10,000 were to be applied immediately to pay off the debts on the estate; and £6000 were to be paid to trustees at Lord Elphinstone's death. His lordship afterwards executed a trust deed in favour of William, Earl of Glencairn, James, Earl of Lauderdale, and others, with reference to the application of this money. The deed is dated 5th October 1754. Excerpts from Inventory of Dunmore Writs, in Elphinstone charter-chest.

Crawford at once disposed them. Lord Elphinstone received for the lands and barony £16,000 sterling, with £200 of compliment.

His correspondence from the year 1722 onwards shows how largely Lord Elphinstone occupied himself about his collieries, as to the management of which he was credited with possessing considerable skill.

In a letter which he wrote to Lord Stair in 1743, he states his circumstances and prospects. The two lords were warm friends and constant correspondents, and therefore Lord Elphinstone could write to him without reserve. Referring to the Earl's success in life, he remarks that he had gained immortal honour and the love and esteem of all lovers of Britain in particular, and Europe in general, by giving up the command of the army, and recalls his services at Dettingen. His lordship then proceeds to say that he thought his own failure to share in any mark of his Majesty's favour was to be attributed "only to my conduct in the year 1734, and to the good offices off a now noble D——e, who will no doubt have me in remembrance as long as we are in being together." Lord Elphinstone further thanks the Earl for his friendship to him and his family, and for kind offers he had made to him, and says, "iff through the remaining part off my unfortunate life," he could preserve his esteem and friendship for him as an honest man, he would have his reward. He concludes the letter by informing the Earl that his project of a new pit was very promising, and he shortly expected the coal would support itself, pay debts on the works, "and enable me to live in parsemonious plenty as a cuntry gentelman."<sup>1</sup>

The circumstances in 1734 to which reference is made relate to a general election of representative peers. A list of sixteen had been sent down by Sir Robert Walpole's ministry to be voted for. Against this proceeding and undue influence the Duke of Hamilton and Brandon and other Lords pro-

<sup>1</sup> Draft letter in Elphinstone charter-chest, dated Elphinstone, 10th November 1743. In the Earl of Stair's collections at Oxenfoord, there are letters written by Lord Elphinstone

between 1733 and 1737. [Appendix to Second Report of the Commission on Historical mss., p. 190.]

tested. Lord Elphinstone gave in a separate protest adhering to the Duke's protest, adding, "and I do it for this reason, that they have attempted such undue influence upon myself, which attempts I withstood, and rejected their offers." The Earl of Rosebery seconded this protest, and the Earl of Marchmont took instruments. Lord Elphinstone was himself a candidate at this election, and received twenty-three votes. He also adhered to a second protest after the election by the Duke of Queensberry.<sup>1</sup>

Elizabeth Primarose, Lady Elphinstone, as stated in the Birthday Book of the family, died at Elphinstone "off an appoplexy on Thursday the sixtenth of February 1737-8." Lord Elphinstone survived her for a period of nineteen years, and died at Elphinstone on 20th February 1757.<sup>2</sup> By his marriage with her ladyship he had issue six sons and five daughters:—

1. John, born 29th June 1703, baptized by Mr. Alexander Hamilton, minister at Airth, and died the same day.<sup>3</sup>
2. John, born at Elphinstone, 17th January 1706. Died at Culcrnich without children, 29th April 1753.<sup>4</sup> He was married to Marjory, daughter of Sir Gilbert Fleming of Farm, who survived him and died at Edinburgh, 6th August 1784.
3. James, born at London, 15th April 1708.<sup>5</sup> He went to sea. In a letter from Captain Rutherford to Lord Elphinstone, he says he had taken his son to see Lord Stair and others, and was considering what ship James should sail in.<sup>6</sup> He went to the West Indies, whence he wrote a letter to his father, "On board his Majestyes ship the Berwick, in Carlile Bay, at Barbados, 13 day of Aprile 1727." He says the navy was very expensive to those not acquainted with it. He had met Mr. Robert Elphinstone, Quarrell's son, who had been kind and civil to him in carrying him along with him to the country. He died unmarried.<sup>7</sup>
4. Charles, who succeeded his father as tenth Lord Elphinstone. Of him a memoir follows.

<sup>1</sup> The election took place on 4th June 1734, Robertson's Peerage Proceedings, pp. 155-160.

<sup>2</sup> Scots Magazine, vol. xix. p. 111; also letters in Elphinstone charter-chest.

<sup>3</sup> *Ibid.*    <sup>4</sup> *Ibid.*    <sup>5</sup> *Ibid.*

<sup>6</sup> Letter, dated London, 5th May 1726, *ibid.*

<sup>7</sup> Certified pedigree recorded in the College of Arms, London.

5. Archibald, born 18th June 1714, baptized the same day by Mr. R. Barklay, "Minister to the Church of England congregation at Alloa."<sup>1</sup> He was killed in the expedition against Carthage, 1741.
6. William, born 20th June 1718, christened by Mr. Walter Stirling, minister at Stirling. He died young.<sup>2</sup>
1. Grizel, born 23rd November 1704.<sup>3</sup> She married Captain Woodrove Gascoigne, of the family of Gascoigne of Parlington, Yorkshire, Baronets of Nova Scotia. One of his sons, Sir Charles Gascoigne of Abbotshaugh, in Stirlingshire, was manager of the Carron Iron Company, and died at St. Petersburg, 1st August 1806.
2. Ellenas, born 31st October 1712. Died young.<sup>4</sup>
3. Elenor, born 15th September 1715.<sup>5</sup>
4. Margaret, born 1721. Died young.<sup>6</sup>
5. Primrose, born at Elphinstone, 27th January 1725. She married Alexander, Earl of Home, and had issue. Her husband was then the Rev. Alexander Home, and had not yet succeeded to the title. She died 20th November 1759.<sup>7</sup>

<sup>1</sup> Birthday Book in Elphinstone charter-chest.    <sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*    <sup>4</sup> *Ibid.*    <sup>5</sup> *Ibid.*    <sup>6</sup> *Ibid.*    <sup>7</sup> *Ibid.*

*Elphinstone*

*E Elphinstone*



CHARLES X LORD  
ELPHINSTONE  
Ma. Ob 1781







XIX.—CHARLES, TENTH LORD ELPHINSTONE.  
 LADY CLEMENTINA FLEMING (WIGTON), HIS WIFE.  
 1757-1781.

The life of Charles, tenth Lord Elphinstone, begins a new and eminently interesting epoch in the history of the Elphinstone family.

In their earlier history, from their migration from the original castle or tower of Elphinstone in East Lothian, to the banks of the Forth, in Stirlingshire, where they succeeded in the creation of a new barony of Elphinstone in the parish of Airth, the family have appeared chiefly as landed proprietors in possession of important estates, which they added to and improved from time to time. In the first half of the life of the Lord Treasurer Elphinstone, the fourth Lord Elphinstone, they reached the zenith of their greatness, when, from the extent and value of their territories, chiefly situated in the shires of Stirling, Perth, and Aberdeen, they were possessed of commanding influence in the country.

As shown in the memoirs of the six Lords Elphinstone, from Alexander the fourth Lord to Charles the ninth Lord inclusive, this prosperity did not continue. An imperious necessity required them to part with one after another of their territorial possessions beginning with Kildrumny in 1626, until the eighteenth century, when even the lands, lordship, and barony of Elphinstone passed out of their hands in the time of the eighth and ninth Lords Elphinstone.

The period now entered upon, as will appear from the subsequent memoirs, was the advent of brighter times for the family. Acquiring new vitality, the Elphinstones again rose to comparative affluence, and became the owners of considerable landed property. They also served their country with distinction in the army and navy, and in the highest positions in the greatest of our British dependencies, leaving the name of Elphinstone imperishably enshrined in the pages of Indian history.

If the tenth Lord Elphinstone, whose life is now to be traced, did not derive large personal benefit from revived prosperity, he, by his marriage with Lady Clementina Fleming, laid the foundation for the distinguished and influential position of his descendants in several generations.

Charles, tenth Lord Elphinstone, was born at Elphinstone Tower in Stirlingshire, on 6th August 1711.<sup>1</sup> Although he was the fourth son of Charles, ninth Lord Elphinstone, his three elder brothers having predeceased their father without issue, he succeeded that lord on his death in 1757 in the Elphinstone peerage, and carried on the main line of the family. He was named after his father and after Charles Maitland, third Earl of Lauderdale, his great-grandfather.

Information of the early life of this lord has not been preserved. The first event of note falling to be related of him is that of his marriage to Lady Clementina Fleming, daughter of John, sixth Earl of Wigton. The marriage was celebrated at Cumbernauld, the residence of the Earl of Wigton, her father, on 14th October 1735.<sup>2</sup> Charles Elphinstone was not at the time of his marriage in the direct line of succession to the Elphinstone peerage, as two of his elder brothers were then still alive. Lady Clementina was quite young when she married, being only sixteen years of age.<sup>3</sup> Charles Elphinstone, her husband, was eight years her senior, being twenty-four years old.

A marriage contract was entered into, the particulars of which have not been ascertained, and the deed is not among the family muniments in the Elphinstone charter-chest.

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> The event is recorded in the Elphinstone Birthday Book thus:—"Charles Elphinstone, third son to Charles, Lord Elphinstone, was married to Lady Clementina Fleming, only daughter of John, Earle of Wigtown, by Lady

Mary Keith, eldest daughter of William, Earle of Mar[i]jshall, hereditary Marishall off Scotland, at Cumbernauld, the fourteenth day off October in the year 1735."

<sup>3</sup> Lady Clementina was born at Cumbernauld, 18th February 1719. [Birthday Book in Elphinstone charter-chest.]

After his marriage, and previous to the birth of John Elphinstone, his eldest son, on 26th January 1737, an agreement was come to between Mr. Elphinstone and Lady Clementina Fleming, his wife, whereby her ladyship's portion of thirty thousand merks, secured on the Biggar and Cumberland estates, was made over to her husband in liferent, and to their children in fee.<sup>1</sup>

On 24th June 1741, John, sixth Earl of Wigton, made an entail of the Wigton estates in favour of the heirs-male of his body, failing whom in favour of Charles Fleming, his brother-german, and his heirs-male, and failing all these, in favour of the Earl's heirs-female.<sup>2</sup> While this settlement precluded Lady Clementina from succeeding to the Wigton estates upon the death of her father in the event of her uncle or his heirs-male being then alive, it constituted her the ultimate heir of entail to these estates in succession to these other heirs.

It is either this entail now described and then in contemplation, or a prior family settlement, which Lord Elphinstone refers to in a letter to Charles Elphinstone, his son, dated 11th March 1737. His lordship was consulted by the Earl of Wigton about the settlement, and sent a scroll of it to his son. Referring evidently to the Earl's preferring his brother and his heirs-male to Lady Clementina, his heir-female, he remarks that "he does barly what the contract of maridge obliges him to," and adds, "By it Lady Clementina is expressly cut of from succeeding to the estate or any part of the executry."<sup>3</sup>

When the entail of 1741 was made it was not so improbable, as Lord Elphinstone's remarks may suggest, that Lady Clementina, in accordance with its provisions, would succeed to the Wigton estates. She was at the time the only child of her father, and Charles Fleming, her uncle, the male heir

<sup>1</sup> Original letter, dated Newlistown, 11th March 1737, in Elphinstone charter-chest.

<sup>2</sup> Memoranda relating to the family of Wigton, *ibid.*

<sup>3</sup> Original letter, dated Newlistown, 11th March 1737, *ibid.*

of entail, was unmarried. At the same time it was only natural that Lord Elphinstone should betray anxiety, and give expression to the fear that his daughter-in-law was practically cut off from the succession, especially as her father made no less than three marriages.

The event, however, showed that the entail of 1741 did not cut off Lady Clementina from the succession to the Wigton estates, but only postponed it. Nor did it postpone her succession for any lengthened period. Her ladyship's father died on 10th February 1744. He was succeeded by his brother, Charles Fleming, in terms of the entail, who became seventh Earl of Wigton. He died unmarried three years later, on 16th May 1747, when the estates were inherited by Lady Clementina, and the peerage of Wigton became extinct through the failure of heirs-male, to whom it was limited.

After the marriage of Mr. Elphinstone, he and Lady Clementina resided at Elphinstone Tower with Lord and Lady Elphinstone. On the death of the latter, on 16th February 1738,<sup>1</sup> they continued to make Elphinstone their home until 1748 when Charles Elphinstone removed with his wife and family to Cumbernauld. While they were at Elphinstone they occasionally received invitations, and paid more or less extended visits to Cumbernauld. The relations which existed between them and Lord Elphinstone were cordial and affectionate. The letter from his lordship to Mr. Elphinstone, written from Newliston, already mentioned, is an example of this. He concludes the letter thus:—"I'm very glad to hear Clem.<sup>2</sup> is so well recovered; and, with the greatest truth and regard, I am to you both a most affectionat father,—ELPHINSTONE."

Mr. Elphinstone received a great seal charter, on 12th February 1740, of Quarrell, Pocknave, Powfowls, and other lands, in the shire of Stirling.<sup>3</sup>

<sup>1</sup> Birthday-Book, in Elphinstone charter-chest.

<sup>2</sup> "Clem." was the familiar appellation given to Lady Clementina by nearly all her

friends, and she generally signed her name in this abridged form.

<sup>3</sup> Registrum Magni Sigilli, Lib. 97, No. 50. This charter had probably reference to freehold qualifications over these lands.

Besides his connection through his wife with the Flemings, Earls of Wigton, Mr. Elphinstone also claimed relationship through her with the family of Keith, Earls Marischal. Her ladyship's mother was Lady Mary Keith, eldest daughter of William, ninth Earl Marischal. Through her mother Lady Clementina became heir-general of the Keith Earls Marischal, as well as of the family of Drummond, Earls of Perth. Indeed, some peerage writers state that Lady Clementina would not admit into her sixteen quarterings any family under the rank of an earl; and yet her father, the Earl of Wigton, appears to have only quartered the Flemings and the Frasers, the latter, no doubt, through an early intermarriage of Sir Patrick Fleming of Biggar with one of the two co-heiresses of Sir Simon Fraser of Oliver Castle, in the time of King Robert Bruce. Both Mr. Elphinstone and Lady Clementina were held in much esteem by the Keith family, and kind and affectionate correspondence passed between them.

The Honourable James Keith, the uncle of Lady Clementina, as well as his brother, George, tenth Earl Marischal, from their connection with the Rebellion of 1715, were attainted by parliament and took refuge abroad. James Keith never returned to Scotland, but he became a field-marshal in the service of the King of Prussia, and was killed in the battle of Hochkirchen, in October 1758, fighting for the Prussians against the Austrians. Many letters were written by him to Mr. Elphinstone and Lady Clementina Elphinstone. One of these, from the camp at Tascula, on 1st September 1741, is addressed to Mr. Elphinstone, and refers to his marriage and family in terms deserving of a place in his memoir. He had been asked by Mr. Elphinstone to assist a friend, Mr. Lockhart, to obtain an appointment in the army, and after adverting to this at some length, he proceeds as follows:—

“I'me infinitely obliged to you for the account you give me of Lady Clementina and your family. The regard and concern you show for her situation convinces me she is happy in one [who] loves and esteems her, and I hope she has good sence enough to regard the affection of a tender husband infinitely above a glaring equipage and a rich

fool. If she is content with her fortune, she is happy, and that is what very few people can boast of. I'me sorry you tell me you have suffer'd by the late elections. If it was a design of coming into the house of Commons which you have miscarried in, I congratulate you on it. Without having the honour to be acquainted with you, I can answer one of the family of Elphinstone wou'd never wish to make his fortune by being a slave or a tool, and by what I saw last year in England<sup>1</sup> I'me persuaded it's in vain for one of other sentiments to struggle with the design of the court. You have let it go too far now to oppose it, and by endeavouring to regain a freedome you have already lost you will force your masters to show you your chains sooner than perhaps they intend. This is the opinion the forreigners have of you, the one half of whom pities you, the other laughs at you, and all in general despises you. I wish I cou'd differ in opinion from them, and I give you this as the sentiments of the rest of [the] world, not as my own. I beg you will assure my Lord Elphinstone and Mr. Fleming of my respects, and do me the honour to believe me, with the greatest regard and friendship, dear Sir, your most obedient humble servant,

“JAMES KEITH.<sup>2</sup>”

“From the Camp of Tascula, September the 1st, 1741.”

This letter of General, afterwards Field-Marshal Keith, to his nephew, Mr. Elphinstone, furnishes the information that the latter had at this period views of entering parliament, and that he had unsuccessfully contested for a seat. The purport of the letter is to dissuade him from entering upon a career in parliament, at least at the time. His uncle's advice may have influenced him in the matter, for he does not appear to have repeated the attempt to secure a seat in the House of Commons. Other letters from General Keith to Mr. Elphinstone show the same cordiality as the one now quoted.

On the same date General Keith also wrote to Lady Clementina, his niece. Although the letter extends to some length, it is so characteristic and kind, that it claims a place alongside of the one to her husband. The General writes—

<sup>1</sup> He visited England in 1740, and was introduced by the Russian Ambassador to King George the Second who showed him favour.

<sup>2</sup> Original letter in Elphinstone charter-chest.

“MY DEAR NIECE,—If you had been in fault to me, which I don't allow, the pleasure of receiving an excuse from you wou'd immediatly have made me forget. But instead of that I return you a thousand thanks for your letter and the account you give me of your young family. You're in the right to say that the greatest pleasure in the absence of friends and relations is to hear often from them; but as your case and mine is quite diferent, my letters may be as great a trouble to you as yours is a pleasure to me. You, who have a husband, a father, children, in a word everything that engages most, every day with you, can have but little concern for a Muscovite creature of an unkle whom you never saw, and whom you have hardly ever heard of; while I, who almost from my childhood have been separate from almost every one I had any tye to, must think it a happyness even to hear from those whom I wish most to see.

“You was a perfect child when your mother died, and therefor only knows you had one; but the tenderness I had for her, I conserve for her daughter; and cou'd I be so happy as to live till any of your children were of age to come over to me, I wou'd with the greatest joy be a gouerneur and father to him. But I'me afraid the description Mr. Lockhart will make you of this country will not be a motive to engage you to send any of them here. The climate of this country has agreed so ill with him, that he has resolved to quite it and return home. This has deprived me of the honour of showing how much regard I have to every one who is related to my Lady Wigtonne, or recomended by you.

“My brother, after whom you ask, is just now at Madrid, and as you have certainly no correspondence there, if you have a mind to write to him you may send me your letter. It's true Russia is not the straight road for Spain, but it will be the surest; and from Edenbough you may write to me when you please by the correspondents of the Scots merchants who are setled at Peterbourg, who receives letters from thence every week. This I take the liberty to tell you that you may not have the same excuse again for not writing to me, as it will likewise make me unpardonable if I don't from time to time assure you with how much tenderness and affection I am, my dear niece, your most obedient humble servant and unkle,

JAMES KEITH.

“From the Camp of Tascula, in the Suedish Finland,

“September the 1st, 1741.”<sup>1</sup>

George, Earl Marischal, the brother of General Keith, who also corresponded largely with Mr. Elphinstone, gave similar kind expressions about

<sup>1</sup> Original letter in Elphinstone charter-chest.

his marriage with Lady Clementina. This will be seen in a letter shortly to be adverted to. In 1742 the health of Mr. Elphinstone was unsatisfactory. This led him to go to Flanders. He had written to the Earl intimating this to him, and the birth of his eldest daughter.<sup>1</sup> In his reply the Earl writes at some length about his health, and expresses solicitude about him. His letter is as follows:—

“ Bouillon, October 29th, 1742.

“ SIR,—I have the honour of yours, and wish you and my niece joy of your daughter. I am very glad you are so pleased with her; and I am convinced that she has good reason to be so with you.

“ I beg of you to mind your health above all things. You say you know by experience that my friends prescription is the best; and yet you can not say that you follow it with the care you ought. Pardon my sincere friendship and concern which makes me take the liberty to say this, besides my concern for you on account of my niece and her family. Believe me, I have now a very near one on your account. I have had the advice of my friend, the phisician. It is only a confirmation of what I sent you. He advises riding: I dont remember if the other did. He sais it is an ailing very hard to remove, and not to be removed but by a track of time: that even he can not answer for a perfect cure, but that he can that such a dyet as he prescribes will give so much ease as that you will seldom complain. . . .

“ My humble service to such of your acquaintance as do me the honour to remember me still, and particularly my namesake.

“ I thank you for your care in looking out for the rabbit skins. I do not want them now. Mr. Falconer has brought me others. He writes to me (for I have not yet seen him) that my brother is ill of the scurvy, which he sais hardly any body escaped in Finland. Emete returns her humble thanks for the honour done her. She has got a new wheel, and works hard to spin herself a gown.

“ I can no longer hold out in this dismal hole. I propose soon to remove. I dont yet know where I shall go; but when I have determined, if you remain in Flanders, shall let you know. I believe you will have a peace this winter. If you go to Scotland, see if you can find me a footman who is somewhat of a falconer, and a couple of hawks. I shall let you know how to forward them. I suppose both the footman and the hawks are not very hard to be had. I am faithfully yours. Adieu.”<sup>2</sup>

<sup>1</sup> Mary Elphinstone, born 19th September 1741.

<sup>2</sup> Original letter in Elphinstone charter-chest.

As promised in his letter, the Earl again wrote to Mr. Elphinstone. His letter, which is dated Douay, November 17th, 1742, states his intention to settle in Rheims for the winter, where he would have good company. Thereafter he purposed to look out for a place where he could make his rents agree with the prices charged. He would rather go, he says, with his friend Stepan, to the other side of the Volga than to Spain.<sup>1</sup> He asks him to take care of his health, and to remember his prescription.<sup>2</sup>

By the beginning of the following year the health of Mr. Elphinstone was improved. The Earl Marischal, upon learning this from him, wrote him from Boulogne on 28th January 1743. He says, "I can live cheap in my little house I have taken in a forest, and keep myself from some of the odd company in this place, my dogs from being worried by the wolves, and my poultry by the foxes." He tells him not to send him the footman and hawks which he asked him to get for him, as he intended to dispense with them on the ground of expense, and to "stick to the diversion of shooting." Adverting to his health, he says that none of his friends were more heartily concerned about him than he was.

In a postscript to his letter the Earl Marischal writes:—"I had some time ago the honour of a letter from your lady. Her mother and her aunt were my relations and friends, and tho I loved them both tenderly, her mother was allways my favorite, and I find the same tenderness for the daughter and all belongs to her. Assure her of this and my respects. I speak from my heart. My humble service to my Lord your father. I have not the honour to know him. But I know he is a man of trew honour, and as such I respect him."<sup>3</sup>

In a later letter from Earl Marischal to Lady Clementina, dated from Potsdam, 12th [January] 1768, the same affectionate regard is expressed for

<sup>1</sup> The Earl had already resided in Spain, and had no good liking to it.

<sup>2</sup> Original letter, addressed—"To the Honorable Mr. Elphinstone," in Elphinstone charter-chest.

<sup>3</sup> Original letter, *ibid.*

her and Mr. Elphinstone, and for their bairns, and "bairns' lairus." The letter is very creditable to the kindness and natural affection of the venerable Earl Marischal of Scotland.

"Potsdam, 12 [January] 1768.

"MY DEAR NIECE,—When William was in Britain I had the pleasure to hear of you and your family frequently by him, and since sometimes by Mr. Seaton of Touch. I hope now you will write your self, and let me know how you are all. Besides wishing you many happy New Years, this is also to tell you, that I am informed the York Building Company, who disputes the gift of parliament to me, will, at last, appeal. As what I have will go among you, bid John and his father make interest to show in a clear light my right, in due time. As I am very old, I may not perhaps see the end of that affair, which on your account cheifly I wish may succeed, being ever, with the greatest regard and affection, your faithfull humble servant,

MARISCHALL.

"My best compliments to Mr. Elphinston, to the bairns, and to the bairns bairns, for I don't know how many John now has.

"If you hear any thing of the sailors, let me know, and the name of their ships, and when they may be at home again."<sup>1</sup>

On the death of the uncle of Lady Clementina Fleming, Charles Fleming, seventh and last Earl of Wigton, in 1747, without heirs-male of his body, the Wigton family estates, as already stated, in terms of the entail of 1741, devolved upon her ladyship.

The lands of Biggar, which are situated near the town of Biggar in the Upper Ward of Lanarkshire, and also the lands of Cumbernauld, which are situated in a detached portion of Dumbartonshire, thus inherited by Lady Clementina, and through her brought into the Elphinstone family, were long owned by the Flemings, Earls of Wigton. Sir Patrick Fleming, associated with King Robert the Bruce, acquired the lands and barony of Biggar by his marriage with the daughter and co-heiress of Sir Simon Fraser of Oliver

<sup>1</sup> Original letter in Elphinstone charter-chest. Two of the sons became sailors, viz. :—William and George Keith, and they

were familiarly known in Earl Marischal's letters as Big Ben and Little Ben.

Castle. This marriage conferred upon the Flemings, besides this territory, the right to quarter the arms of the Frasers with their own, a right which the later marriage of Charles Elphinstone with Lady Clementina Fleming conveyed to the Elphinstone family. The lands of Cumbernauld, which formed one of the territorial designations of the Flemings from as early as 1451, furnished them with their principal residence. Cumbernauld House is in the parish of Cumbernauld, in the county of Dumbarton, and at no great distance from Elphinstone Tower in the adjoining county of Stirling. Mr. Elphinstone and his family now removed from Elphinstone Tower to Cumbernauld House, which with its policies became henceforth the picturesque residence of the Elphinstone family.

On 6th August 1751, Lady Clementina Fleming was retoured heir of line, taillie and provision general, to her father, John, Earl of Wigton.<sup>1</sup> In accordance with a condition in the entail of 1741, her ladyship continued to bear the name of Fleming instead of Elphinstone, the name of her husband, her subscription and the direction of letters sent to her being "Lady Clementina Fleming." Although she was served heir of entail to the Wigton estates she was not the unfettered owner of them. The estates were burdened with the debts of her father, the sixth Earl of Wigton. He appointed trustees to apply the rents of the estates for the primary purpose of paying off these encumbrances. The trustees and a factor appointed by them administered the entailed estates. Although Lady Clementina was the actual heiress of entail of the Biggar and Cumbernauld estates, neither her ladyship nor her husband derived any real substantial benefit from the rents of the estates so long as the entail debts of her father remained a burden on them.

Charles, ninth Lord Elphinstone, died on 20th February 1757. His three

<sup>1</sup> Retours at date. She was again returned as heir of provision general to her father on 17th August 1795. The retour is registered on 19th September of that year. Retour in Elphinstone charter-chest.

eldest sons having all predeceased him, without leaving issue, Charles, as the eldest surviving son, became the tenth Lord Elphinstone. In that character he and Lady Clementina his wife received the command of King George the Third to attend the coronation of the king and queen on 22nd September 1761, by the following letter from the Earl of Effingham, Marshall:—

“GEORGE R.

“Right trusty and well beloved, we greet you well. Whereas the twenty-second day of this instant September is appointed for the royal solemnity of our and the Queen’s coronation, these are to will and command you and the lady your wife (all excuses set apart) to make your personal attendance on us at the time above mentioned, furnished and appointed as to your rank and quality appertaineth, there to do and perform all such services as shall be required and belong unto you respectively: Whereof you and she are not to fail, and so we bid you most heartily farewell.

“Given at our Court at St. James’s, the 14th day of September 1761, in the first year of our reign.

By his Majesty’s Command,

“EFFINGHAM, M.

“To Charles, Lord Elphinstone.”<sup>1</sup>

Following quickly upon his succession to the Elphinstone peerage, his lordship was visited with a sad domestic bereavement. H.M.S. *Prince George* was burned at sea off Lisbon on a voyage to Gibraltar, on 13th April 1758. Of the persons on board the ship four hundred and thirty-five perished. Charles Elphinstone, the second son of Charles, Lord Elphinstone, and Lady Clementina, an officer on his way to Gibraltar, was among the number. In the hope that their son might be one of the few who were saved, Lady Clementina applied to her cousin and friend, Lord Panmure, for what information he could give them. His reply must have dispelled any hope they had. He writes—

“If any account shou’d come to my knowledge, I shou’d not delay in acquainting you, but by those already sentt here I have not the smallest expectation, so can only wish that you may be able to bear so heavy ane affliction as this must be to you and

<sup>1</sup> Original letter in Elphinstone charter-chest.

Mr. Elphinston. I most heartely sympathise with you, and can not writt more on so melancholly a subject." <sup>1</sup>

The loss of his name-son, in the circumstances described, must have been keenly felt by Lord Elphinstone. His wife was inconsolable, and refers to it again and again in her letters. Writing to her son Keith, nearly two years after, and mentioning his brother William, she says, "How happie yow two makes me, its only I that knows: but double would it be so, if I could oblitteret the remembrance that there was a third: hut that sticks." <sup>2</sup>

Lord Elphinstone had now a considerable family of sons and daughters. His household was large,<sup>3</sup> but his own means were far from plentiful. Up to the year 1747, when the seventh Earl of Wigton died, Lady Clementina had only the interest of her marriage portion, which did not amount to much, with which to supplement the limited resources of her husband. After that date the Wigton estates, then inherited by Lady Clementina, yielded them little, being, as already explained, burdened with the debts of the sixth and seventh Earls, and controlled by trustees. Out of his own means, Lord Elphinstone paid some of these debts, besides improving lands purchased for the younger members of his family. His children's education and the starting his sons in the world made large demands upon him and Lady Clementina. The anxiety which the meeting of these demands occasioned found expression in the letters of Lady Clementina about this period, and also in those of her sons, and of Lord Panmure, one of the trustees, and a relative of the family.

One of her ladyship's letters, written about the year 1758, and before the death of her son Charles just described, in which the circumstances of

<sup>1</sup> Letter, dated London, 27th May 1758, in Elphinstone charter-chest.

<sup>2</sup> Letter, dated 19th March 1760, in Elphinstone charter-chest.

<sup>3</sup> Lady Clementina writes—"Everybody must know forty peapell is not easily feed

and provided for, and that is this family every day." This number would include servants, etc. In the same letter she mentions "twelve persons and 3 or 4 horse." [Undated letter without address, signed C. F., c. 1758, in Elphinstone charter-chest.]

Lord Elphinstone and herself are confided, evidently to her cousin, the Earl of Panmure, may be given. She refers in the letter to the desirability of bringing the trust-deed on her father's estate to an end. The letter is as follows:—

“As it has been your lordship's inclination my father's deed of trust should be brought to an end, and that votes should be purchased for my sons, [I] have always kept these in view, and resolved to put them in execution as soon as possible.

“The only debt of my father's of any value now outstanding is my own portion of 30,000 merks. With this I intended to have purchased the votes, and paid the price of some lands, which were purchased for the behoof of my younger children; and as they are improveable, Mr. Elphinstone has been at a good deal of pains and expenses upon them; and the remains I intend to allow to the factor for money he has given me for the support of the family and education of my children. And in order to make every thing as clear and easy for your lordship and the other trustees as possible, Mr. Elphinstone has, at Baron Maule's desire, consulted Mr. Ferguson of Pitfour, and laid the whole matter before him. And he is of opinion I am intitled to the 30,000 merks; only, to take every objection out of the way has advised I should raise a process for payment of it, and obtain a decree that the trustees may pay with the outmost safety. Baruchan has seen this consultation and is satisfied with it. It now lyes before Baron Maule, who I hope will be of the same opinion, and I have no doubt but your lordship will joyne with them.

“I am not sure if your lordship knows we had nothing to support ourselves and family from the time of our marriage to the year 1748, when my uncle, Earl Charles, dyed, the intrest of my portion excepted. And as that amounted to no more then £83, 6s. 8d. yearly, and was not regularly payed, we could not miss to run in debt.

“My uncle was in debt when he dyed. Mr. Elphinstone ingaged to pay, and has paid these debts, which increased our own. So that having once been brought in debt by plain necessity, and our family increasing and wanting education, I was obliged to take up money from the factor for that purpose, and fitting out Jocky, as I must now do to fitt out both Charles and William. So that upon all these accounts I hope your lordship will not think I have been extravagant, tho in the course of 23 years I have run £2000 in debt.”<sup>1</sup>

<sup>1</sup> Draft letter holograph of Lady Clementina, without date, signature, or address, in Elphinstone charter-chest. On the margin

of the letter is the following—“£700, [f]or which sum wee only had some furniture, books, and family pictures.”

This touching letter of Lady Clementina Fleming is highly commendatory of her ladyship. It shows how much she had the interests of her family at heart, and how careful her management was during the long period mentioned, when she and Lord Elphinstone maintained their establishment, fitted out their eldest son, and paid debts both of the Earl of Wigton, her father, and also of her uncle Charles, seventh Earl of Wigton, and yet had only so small a balance against her at the date of the letter. It further shows her zeal and anxiety to meet her obligations.

The trust-deed made by her ladyship's father was terminated soon after this in agreeableness to the wish she expressed in her letter, as she was in full possession of the estates of Biggar and Cumbernauld previous to 1771. In that year, on 15th January and 1st February, animated by the laudable spirit displayed in her ladyship's letter above quoted, and desirous of having every remaining debt paid, and their affairs placed on the best possible footing, Lord Elphinstone and Lady Clementina made a temporary family arrangement.

This arrangement took the form of a trust-disposition. In it they agreed to give up housekeeping at Cumbernauld, and to live in Edinburgh or some other place. They further conveyed to John and William Elphinstone, their sons, and to Charles Gascoigne, their nephew, as their trustees, the rents, duties, and other casualties of their several estates,<sup>1</sup> except the house and garden of Boghall. They gave the trustees power to uplift and intromit with these rents, to appoint factors, and to dispose of produce and growing woods, and horses and cattle, etc. The trustees were to pay them during their joint lives, and Lady Clementina, if the survivor, the restricted allowance of £650 a year. This trust-disposition was to be valid only until the trustees paid the family debts, and it was to be without prejudice of

<sup>1</sup> These estates were situated in the shires of Stirling, Peebles, Selkirk, and Perth.

certain obligations already come under mentioned therein.<sup>1</sup> How long this arrangement continued does not appear. But while the making of it was highly creditable to Lord Elphinstone and his wife, the result of it could not fail to be satisfactory to all those concerned in it.

A letter which Lord Elphinstone wrote describing the Edinburgh mob of 1779 requires that the circumstances relating to the mob should be explained. The establishing of the Roman Catholic religion in Canada by the British parliament led early in 1778 to the passing of a bill, applicable to England, repealing the Acts for preventing the growth of that religion. It was anticipated that a similar measure relating to Scotland would immediately follow.

The report of these things alarmed the people of Scotland. The General Assembly in May 1778 took up the matter, and a motion to instruct its Commission to watch over the Protestant interests was, through the opposition of Principal Robertson, rejected. The people of Scotland thereupon constituted themselves the guardians of Protestantism. Meetings were held, chiefly in January and February 1779, all over the country, including the inhabitants of Biggar and Cumbernauld, at which resolutions were passed and petitions were subscribed against the anticipated measure. The proceedings thus far were orderly. But on 2nd February 1779 a mob assembled in Edinburgh, who burned a Roman Catholic chapel to the ground, plundered the library of Bishop Hay and an old chapel at his house, and were only prevented from attacking the house of Principal Robertson and doing further harm by the intervention of the military.

Lord Elphinstone was in Edinburgh at the time, and witnessed the doings of the mob. He wrote an account of it in a letter to William Adam, M.P.,

<sup>1</sup> Registered trust-disposition, in Elphinstone charter-chest. In the same Elphinstone collections there are letters prior to the making of this disposition and relative to it, especially from William Elphinstone, who

was urgent with his father to discontinue his "great farm," as he calls the Cumbernauld farm, on the ground that it was an unprofitable business.

his son-in-law, then attending to his duties in parliament. The mob appears to have had both a serious and comic side. Mr. Adam read the letter to Charles Fox and others, to whom it gave great entertainment. He replied to Lord Elphinstone and informed him of this, saying :—

“ I received your very agreeable and excellent account of the Edinburgh mob, and have had it in my power to produce great intertainment to several people by reading it to them. Charles Fox was particularly pleased with your touch about flitting the Virgin Mary, and did not at all dislike the reason the mob avowed for letting the Advocate escape from their rage. Whether it will be taken up or no by any body in our House I cannot tell, but I should rather think it would only come in by way of argument, which indeed it has already done, than by way of motion.”<sup>1</sup>

The remainder of Mr. Adam's letter is devoted to a description of “ the feats of a London mob,” which followed upon the news of the acquittal of the Honourable Augustus Keppel,<sup>2</sup> afterwards Viscount Keppel. Mr. Adam states that all were forced by the mob to illuminate, and that the illuminations were magnificent, especially those of the Dukes of Devonshire, Portland, and Ancaster. He adds, referring to the Duke of Ancaster, “ This last was heading the mob at 6 o'clock on the morning of Thursday, and at twelve o'clock of the same day was sworn into His Majesties Most Honourable Privy Council.” Upon Keppel's arrival in town there was another attempt at a mob, “ but,” Mr. Adam says, “ the spirit was evaporated, as it did not proceed from such holy and heartfelt principles as the Edinburgh affair.”

During his tenure of the peerage of Elphinstone several elections of representatives of the Scottish peerage occurred. On 2nd January 1771 he attended at the election of a representative peer for Scotland in room of John, Duke of Argyll. The Earl of Stair was the peer elected. A protest against the election was given by Dunbar, Earl of Selkirk, on the ground of

<sup>1</sup> Original letter, dated London, 17th February 1779, in Elphinstone charter-chest.

<sup>2</sup> Keppel commanded the British fleet in 1778, and was charged with misconduct in a

naval engagement off Ushant on 27th July of that year. He was not only acquitted, but got the thanks of parliament, and was soon afterwards made a peer.

undue influence on the part of ministers of state by writing circular letters in support of Lord Stair. Lord Elphinstone was one of those who adhered to this protest.<sup>1</sup> Charles, Lord Elphinstone was also present at, and took part in, the elections of representative peers which took place in the years 1774, 1776, 1777, and 1780.<sup>2</sup>

His lordship died at Edinburgh on 6th April of the following year, 1781,<sup>3</sup> when he was sixty-nine years of age. He was buried in the Wigton family aisle at Biggar.

Lord Elphinstone was survived by Lady Clementina Fleming, his wife, who lived eighteen years after his death. During that time she continued to take a lively interest in her children. She outlived her son John, eleventh Lord Elphinstone, and saw her grandson in the possession of the peerage in succession to his father as John, twelfth Lord Elphinstone. Lady Clementina Fleming died in London on 1st January 1799, in the eightieth year of her age.<sup>4</sup> During her long life she had known in all four Lords Elphinstone, the ninth, tenth, eleventh, and twelfth Lords.

The children of Charles, tenth Lord Elphinstone, and Lady Clementina Fleming, his wife, were as follows:—

1. John, eleventh Lord Elphinstone, of whom a memoir follows.
2. Charles, "The 29th day off Aprile 1739 she [Lady Clementina] bore an other son, christened Charles by Mr. John Bruce, minister at Airth."<sup>5</sup> "Christened—Charles Elphinstone—Parents, the Honble. Mr. Charles Elphinstone and Lady Clementina Fleeming—baptized in House of Elphinstone. Witnesses, the right Honble. Charles, Lord Elphinstone, and Sir Hugh Paterson of Bannockburn."<sup>6</sup> He was destined for the military service. In a letter from his brother William, to his mother, he says:

<sup>1</sup> Robertson's Peerage Proceedings, pp. 362-364.

<sup>2</sup> *Ibid.* pp. 399, 400, 412.

<sup>3</sup> Birthday Book in Elphinstone charter-chest. Scots Magazine, vol. xliii. p. 223.

<sup>4</sup> Birthday Book in Elphinstone charter-chest. Scots Magazine, vol. lxi. p. 72.

<sup>5</sup> Birthday Book in Elphinstone charter-chest.

<sup>6</sup> Extracts from Register of parish of Airth, *ibid.*

“Tell Charly, if he gets this commission, he must expect to go to Gibraltar soon.”<sup>1</sup> In another letter, dated London, 29th October 1757, his brother William advises him “to bid farewell to his friends at Cumbernauld, and so come off, for a convoy was ordered for Gibraltar very soon, and the officers were ordered over.”<sup>2</sup> In a letter from Spithead, on board the Winchelsea, William writes: “Admirall Broderick is expected to sail very soon—he is quite clear.”<sup>3</sup> And from another letter he had expected his brother at Spithead, a month before. These several references relate to an official arrangement that Charles Elphinstone should proceed to Gibraltar to join his regiment there. After all those anxious preparations for a prosperous voyage of the young officer, the family Birthday Book briefly records his tragic fate: “Killed on board the St. George, Admirall Brodr[i]ch, commander: the ship took fire att sea in her voyage to Gibraltar.”<sup>4</sup> The Prince George was a ship of ninety guns, and the calamity befel her on the 13th April 1758. Lady Clementina Fleming, as already described, was sadly grieved at this bereavement.

3. William, of Carberry and Elphinstone. Of him a memoir follows as the direct lineal ancestor of the present Lord Elphinstone.
4. Lockhart, born at Elphinstone, 26th November 1743. The Birthday Book states he was killed by the overturning of a cart going full speed. He had gone into the cart at Elphinstone, which was standing empty at the barn door, without the servant in charge of it, and struck the horse with a bit of rope. The horse ran off, the cart was overturned and the child killed, 24th August 1748.
5. George Keith Elphinstone, Viscount Keith. Of him a memoir follows.
6. 7. Malcolm, 1752; and Hugh, 1755. Both died young, before 1760.<sup>5</sup>
1. Mary, called Mally in her brother William's letters, born at Elphinstone, 19th September 1741. She died unmarried at Tulliallan, 8th May 1825.<sup>6</sup>
2. Elizabeth, born at Elphinstone, 24th September 1742. She died young.<sup>7</sup>
3. Eleonora, born at Elphinstone, 13th May 1747.<sup>8</sup> She married, on 7th May 1777, William Adam, Esquire, of Woodstoun, in the county of Kincardine,<sup>9</sup>

<sup>1</sup> Letter dated, London, 4th August 1757,  
in Elphinstone charter-chest.

<sup>2</sup> Letter, *ibid.*

<sup>3</sup> Letter, 10th February 1758, *ibid.*

<sup>4</sup> Birthday Book, *ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>9</sup> Scots Magazine, vol. xxxix. p. 279.

<sup>5</sup> *Ibid.*

<sup>8</sup> *Ibid.*

only surviving son of John Adam of Maryburgh, and grandson of William Adam, the celebrated architect. The contract of marriage is dated 26th December 1776, and 1st January and 7th March 1777. Agreeably to a provision in the contract, William Adam gave a bond to Robert and James Adam, architects in London, and William Adam, merchant in London, his father's brothers, and the Honourable Captain John Elphinstone of Cumberland, Captain William Elphinstone, and Captain Keith Elphinstone, sons of Charles, Lord Elphinstone. By this bond he engaged to pay to them, as his trustees, the principal sum of £4250 at the first Whitsunday term after the marriage. The trustees named were to pay the annual rent of this sum to Eleonora Elphinstone, during William Adam's lifetime. After his death, if she survived him, they were to pay her as much of the said annual rent as, with the free rent of the estates of Woodstoun, New Thornton and others, settled upon her by the marriage contract, and another annual rent named, should make up a yearly annuity of £300. Provision is also made in the bond for the children of the marriage.<sup>1</sup>

Eleonora Elphinstone also granted a disposition to Captain Keith Elphinstone her brother, George, Earl of Dalhousie, Malcolm Fleming of Barrochan, Robert and James Adam, architects in London, and William Adam, merchant there, as her trustees, paying to them £500, the fourth share belonging to her of £2000 in a bond, dated 13th August 1774, by John and William Elphinstone, her brothers, in favour of her and her sisters Mary, Primrose, and Clementina Elphinstone. Eleonora also paid to the trustees mentioned £750, being the fourth share belonging to her of £3000 in another bond by her said brothers, dated 4th November 1775. She further paid them £250, her fourth share of £1000, in a bond of the same date as the one last mentioned. The annual rent of these sums the trustees above named were to pay to William Adam, her husband, during his lifetime, and to her in the event of her surviving him. The principal sums were to be paid to the children of the marriage.<sup>2</sup> William Adam was afterwards the Right Honourable William Adam of Blair-Adam, in the county of Kinross. He was a member of parliament for Gatton, and subsequently for other constituencies. He held many important appointments. He was one of the managers of Warren Hastings' impeachment in 1788; counsel for the East India Company in 1802; chancellor to George,

<sup>1</sup> Original bond, dated London, 26th December 1776, in Elphinstone charter-chest.

<sup>2</sup> Original disposition, dated Edinburgh, 7th March 1777, *ibid.*

Prince of Wales, in 1806 ; Treasurer of Lincoln's Inn in 1808 ; Baron of Exchequer in Scotland in 1814 ; and in 1816 he was made Lord Chief Commissioner of the Jury Court in Scotland. He resided in Charlotte Square, Edinburgh, which was designed by Robert Adam, his uncle, the eminent architect, where he died on 17th February 1839. His wife died in Lincoln's Inn Fields, 4th February 1800. They had issue five sons, all of whom were distinguished in the service of the country in several important capacities. At least two of them, and the son of another, like their kinsmen, Mountstuart Elphinstone, and his nephew John, thirteenth Lord Elphinstone, held high appointments in India. John, the eldest son, as senior councillor, became Governor General of India on 13th January 1823. He resigned the office to Lord Amherst on 1st August following. Frederick, the fourth son, was in 1832 appointed Governor of Madras. He continued in that office until 1837, when he was succeeded by John, thirteenth Lord Elphinstone, his grand nephew. Admiral Sir Charles Adam, of Blair-Adam, K.C.B., the second son of William Adam, who succeeded his father in the estate of Blair-Adam, had a son, the Right Honourable William Patrick Adam of Blair-Adam, who from 1853 to 1858, was private Secretary to Lord Elphinstone, Governor of Bombay, and assisted his lordship in that capacity during the mutiny of 1857. This William Patrick Adam became in 1880 Governor of Madras.

William Adam and Eleonora Elphinstone, his wife, had also one daughter, Clementina Adam. She married, in 1807, John Anstruther Thomson of Charleton, county of Fife, and had issue.

The present representative of the Adam family is Sir Charles Elphinstone Adam, who was created a baronet on 20th May 1882.

4. Primrose, born at Elphinstone, 12th June 1748, and baptized on the 15th by Mr. William Forbes, minister of Airth.<sup>1</sup> Lady Clementina Fleming, her mother, granted a disposition to her and her sister, Mary Elphinstone, giving them, equally between them, and their heirs, her movable goods, debts, sums of money and others, including her household furniture, plate, paintings, books, prints, horses, carriages, and other movables which should belong to her at the time of her death. She further nominated Mary and Primrose her executors.<sup>2</sup>

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> Original disposition, dated Edinburgh, 11th July 1795, *ibid.*

Primrose Elphinstone, by disposition, dated 5th May 1797, appointed her sister, Mary Elphinstone, her executor, and bestowed upon her the whole of her movables which should belong to her at her death.<sup>1</sup> By her last testament and codicil Primrose Elphinstone provided legacies to her brother William and others.<sup>2</sup> She died unmarried in London on 18th January 1802, and was buried in Grosvenor Chapel.<sup>3</sup>

5. Clementina, born at Cumbernauld, 26th August 1749. She married, on 31st March 1785, James Drummond, Esquire, of Perth. The contract for their marriage bears date at Edinburgh, 10th February 1785. It names her as the Honourable Clementina Elphinstone, fourth and youngest daughter of the deceased Charles, Lord Elphinstone, and Lady Clementina Fleming of Biggar and Cumbernauld. James Drummond became bound to follow forth the process in the Court of Session for finding him the heir-male of the deceased John Drummond, taking on himself the style and title of Lord John Drummond, and as such entitled to succeed to the estate of Perth, if it had not been forfeited; and after decreet in the said process to procure a grant from his Majesty of the whole lands and baronies of the estate of Perth: and binds himself to infest Clementina in liferent after his decease in the mansion-house of Stobhall, Parks of Stobhall, as possessed by Lady Rachael Drummond, or failing thereof in an annuity of £100 sterling: further, of a jointure of £600 sterling, to increase with a rise in the rents, etc.; and in further security to infest her in the estate of Perth: also to pay her £1000 in lieu of furniture or plate, etc. Further, he binds himself to convey in favour of himself and the heirs-male of the marriage, whom failing, to his nearest heirs and assignees, the estate of Perth; but reserving power to alter this destination, except as to the heirs-male of the marriage, with provisions for the issue of the marriage. The lady makes over to him the sum of £1250 as her portion of two bonds for £5000, granted by John, Lord Elphinstone, and the Honourable William Elphinstone, her brothers, to her, to Mary, Eleonora, and Primrose Elphinstone, her sisters; and of £250, her share of a bond for £1000 by her brother William to her and her sisters; execution to pass on the contract at the instance of John, Lord Elphinstone, the Honourable William Elphinstone, and George Keith Elphinstone, her brothers-german.

<sup>1</sup> Copy disposition, in Elphinstone charter-chest.

<sup>2</sup> Copy testament and copy codicil, *ibid.*

<sup>3</sup> Birthday Book, *ibid.*

James Drummond of Perth was created a British peer, with the title of Lord Perth, in 1797. He died in 1800 and was buried at Innerpefferay. "Lady Perth died August 31st, 1822, in her house, Park Street, London, and was buried at Innerpefferay by [beside] her lord, and two children, September 22."<sup>1</sup>

Clementina Sarah Drummond, the only surviving child of James, Lord Perth, and Clementina Elphinstone, his wife, married, on 20th October 1807, the Honourable Peter Robert Burrell, who was son of the first Lord Gwydyr and his wife, who was Lady Willoughby de Eresby in her own right. Clementina Sarah Drummond after her marriage was styled the Honourable Mrs. Burrell. On the succession of her husband to the barony of Gwydyr in 1820, they became Lord and Lady Gwydyr. Eight years later, in 1828, Lord Gwydyr, on the death of his mother, inherited the ancient barony of Willoughby de Eresby. His lordship and his wife were thenceforward styled Lord and Lady Willoughby de Eresby. During their time, her Majesty, Queen Victoria, and Prince Albert made their first Highland visit in the year 1842, when they honoured Lord and Lady Willoughby with a visit at Drummond Castle. Lady Willoughby and another distinguished Scottish heiress, Elizabeth, Countess of Sutherland, were prominent leaders in the fashionable world of London. Both ladies were learned and accomplished in literature and the fine arts. In the correspondence of the late Charles Kirkpatrick Sharpe they figure prominently as his intimate friends. In one of his letters he praises Mrs. Burrell as a most charming person;<sup>2</sup> and in another part of the same volume there is a portrait of her as Lady Gwydyr.<sup>3</sup>

The barony of Willoughby de Eresby became in abeyance on the death of Alberic, twentieth Lord Willoughby, without issue in 1870. The abeyance was terminated by her Majesty in favour of Clementina Elizabeth Drummond, dowager Lady Aveland, eldest daughter of Clementina Sarah Drummond and her husband, Lord Willoughby. On her death in 1888 the barony of Willoughby was inherited by her son, then Lord Aveland, who has since been advanced in the peerage by the title of Earl of Ancaster.

Out of respect to the Lady Clementina Fleming many of her female descendants have been given the name of Clementina for several generations.

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> Vol. ii. p. 113.

<sup>3</sup> *Ibid.* p. 146.

6. Stewart, born 1753 ; died young.<sup>1</sup>

7. Charlotte, born 14th January 1759.<sup>2</sup> Her death is recorded in the Scots Magazine, under date 4th August 1781. "At Braehouse, near Edinburgh, the Hon. Charlotte Elphinstone, fourth daughter of Lord Elphinstone."<sup>3</sup>

The Birthday Book mentions another daughter born in 1751 and never christened.

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

<sup>3</sup> Scots Magazine, vol. xlii. (1781), p. 446.

Elphinstone

Rem: Fleming

Remington Elphinstone

James Drummond





THE RIGHT HONOURABLE GEORGE KEITH ELPHINSTONE,  
 VISCOUNT KEITH OF STONEHAVEN MARISCHAL, A DISTINGUISHED ADMIRAL.  
 1746-1823.

Lord Keith was a famous naval commander, and achieved great success in his profession. His naval collection of papers during his long service of half a century has been carefully preserved at his castle of Tulliallan. It was a property acquired by him, and to which he retired in his later years. His daughter, the late Lady William Godolphin Osborne Elphinstone, placed her father's muniments under the care of the late Mr. Alexander Allardyce, who formed from them a valuable record of his eminent services. The work consists of one volume octavo, and is embellished with portraits and other illustrations. The memoir was published by Messrs. Blackwood in 1882, and forms an exhaustive statement of his life. There is not much more to be recorded of him from the family papers, but in a book like the present, devoted wholly to the Elphinstone family, it seems expedient to give a short résumé of the life of so prominent a member, although little can be added to the published memoir.

George Keith Elphinstone, the fifth son of Charles, tenth Lord Elphinstone, and Lady Clementina Fleming his wife, was born at the Tower of Elphinstone on 7th January 1746. His birth is thus recorded in the family Birthday Book:—“Their fivet sone was born at Elphinstone, upon seventh day off January 1746 years; and christen'd at Elphinstone upon the tenth day of February by Mr. James M°Kie, minister at St. Ninians, and called Georg Keith.”<sup>1</sup> He was named after his grand-uncle the Earl Marischal, who was then living at the Court of Prussia.<sup>2</sup>

The late Lady William Godolphin Osborne, who was previously the Honourable Mrs. Villiers, widow of the Honourable Mr. Villiers, son of the Earl of Jersey, told the writer of these pages when he met her at Carberry Tower in October 1864, that her father, Lord Keith, often told her that he was sent to the sea with only a five-pound note in his pocket, and was told by his parents to push his fortune in the world. This was a modest beginning for one who rose so high in his profession, and who acquired two peerages and great wealth. This anecdote of the five-pound note came to be frequently referred to in his family, and it was repeated to me by his daughter when I visited her at Tulliallan in 1873.

At the early age of fifteen he entered the navy as a midshipman on board the “Gosport,” under the able command of Captain John Jervis, who gave young Elphinstone a thorough training in the rudiments of the profession in which he

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

<sup>2</sup> Life of Lord Keith, p. 5.

afterwards rose to such distinction.<sup>1</sup> In a letter from Charles Gascoigne to his aunt, Lady Clementina Fleming, in 1761, the following reasons are given why young Keith Elphinstone should adopt the naval profession:—"First, he will acquire his education and business together and without expence; secondly, he will, by the time he cou'd be ready to go a second voyage to the E. Indias, have served his 3 years on board a man of warr, he will be as well recieved into that service as if he had been his first voyage in it, and he will be qualified for a luetenant if ever there shou'd be another naval war, for there [is] no probability of his advancement in this; 3dly, he wont clash interest with Willie,<sup>2</sup> if he inclines to stay on board a man of war."<sup>3</sup> This was surely a humble programme for the man who afterwards rose to such distinction in that very service; and we have further evidence that his brilliant career was quite unlooked for by his relatives at the time of his entering the navy, for in another letter a few weeks later it is stated that "twou'd be monstrous to throw away 5 guineas for his learning navigation for 14 days"<sup>4</sup> at the academy. Young Elphinstone, however, was not to be disappointed in this manner, for on his entering the navy he set himself to learn the principles of navigation and other rules of his art with the greatest avidity, so that in 1764 he writes home to his father for funds to pay the schoolmaster of the ship "for compleating me in some parts of navigation, which I can not do in this service without."<sup>5</sup>

At the time of Keith Elphinstone's entering the navy, the country was in a state of considerable political excitement from the recent accession of King George the Third, and the threatened resignation of the great Pitt. In a letter from London, dated 8th October 1761, he writes, "I saw the coronation, and waited on Lord Elibank in the Hall at the dinner. . . . Their is a great disorder here about Mr. Pit having resinged, but it is said that [he] had 5 hours conversation with the King last day, and they say has taken the seals again. The King is to be at the play to-night, where the mob is to stop the chairs and call Pit and a Spanish war, as they have stopt the Queen twice to look at her and hissed her in the play-house."<sup>6</sup>

To his grand-uncle, the Earl Marischal, Lord Keith was indebted for much friendly assistance in the earlier years of his life, and in one of his letters to his mother, Lady Clementina Fleming, he writes:—"I send you a letter from Lord M., who loaded me with compliments to my father and you and all the family. He has given me two thousand pounds to help my pay, and has instructed you to let him know if Will makes a good voyage that he may send me an other."<sup>7</sup>

In 1772, and while still but twenty-six years of age, he received his commission as commander, being placed on board the "Scorpion," and employed on the coast of Minorca.<sup>8</sup>

<sup>1</sup> Life of Lord Keith, pp. 7, 8.

<sup>2</sup> His brother William, afterwards William Fullerton Elphinstone of Carberry.

<sup>3</sup> Letter in Elphinstone charter-chest.

<sup>4</sup> Letter, *ibid.*

<sup>5</sup> Letter, *ibid.*

<sup>6</sup> Letter, *ibid.*

<sup>7</sup> Letter, *ibid.*

<sup>8</sup> Life of Lord Keith, p. 14.

It is unnecessary here to enter into details of his naval career, especially as this has been so ably and exhaustively chronicled by Mr. Allardyce in his *Memoir of Lord Keith*, but a few of the most outstanding events in it may be noticed.

During his early years he was well looked after by his veteran grand-uncle the Earl Marischal, with whom he frequently corresponded in an intimate and friendly manner.

Taking part in the American War in 1775-9, he soon showed his enterprise and ability by capturing several prizes which were afterwards manned for the king's service; and became very popular with the sailors owing to his careful attention to their comforts and to the wants of the sick and wounded.<sup>1</sup> A letter which he received about this time from General Prevost testifies to the esteem in which young Elphinstone was already held. Writing from Cowford, the General says:—

“Give me leave to assure you, sir, that my pleasure was much increased on finding that his Majesty's ships employed on this coast were, by his Excellency Lord Howe, put under your direction, as I well know the active zeal with which you are animated for his Majesty's service, and have the highest opinion of your abilities to carry it on with propriety.”<sup>2</sup>

He took a prominent part in the capture of Charlestown in 1780, for which he was warmly commended by Admiral Arbuthnot and Sir Henry Clinton, and on his return home was promoted to the command of the “Warwick,” and obtained a seat in Parliament,<sup>3</sup> though his roving and adventurous spirit did not admit of his figuring prominently in this latter sphere.

On 10th April 1787 he married Jane Mercer, eldest daughter of William Mercer, Esq., of Aldie, in Perthshire; but two years later, in December 1789, his wife died at Scarthing Moor while on her way to London, and was buried in the burying aisle of the Wigton family at Biggar. She left a daughter, Margaret, who was born on 12th June 1788.<sup>4</sup>

The next important public service in which Keith Elphinstone took part was the famous siege of Toulon in 1794,<sup>5</sup> in which he was actively engaged under Lord Hood, against Napoleon Buonaparte, who was then major in command of the artillery. For his distinguished services on that occasion he received the Order of the Bath, and on 12th April 1794 was made a rear-admiral.<sup>6</sup> Next year he was chosen commander of an expedition to the Cape of Good Hope against the Dutch colonies there, which he managed with considerable tact and success in the face of overpowering difficulties, capturing the Dutch fleet in Saldanha

<sup>1</sup> *Life of Lord Keith*, pp. 25-27.

<sup>5</sup> *Life of Lord Keith*, pp. 59-82.

<sup>2</sup> *Ibid.* p. 31.

<sup>3</sup> *Ibid.* pp. 50-52.

<sup>4</sup> *Birthday Book in Elphinstone charter-chest.*

<sup>6</sup> *Birthday Book in Elphinstone charter-chest, and Life of Lord Keith*, pp. 83, 84.

Bay, on 17th August 1796, by his prompt and decisive movements, without the firing of a single shot,<sup>1</sup> an evidence alike of the ability and humanity of this famous Elphinstone.

On his return from the Cape, he was rewarded by the receipt of the following letter:—

“London, 20th November 1796

“MY DEAR SIR,—I have received your letters public and private, and sincerely congratulate you on the success which has attended his Majesty’s arms under your able and zealous exertions. I have asked and obtained the king’s consent to your having an Irish peerage to yourself, with remainder to your daughter; but I am at a perfect loss how to proceed further, as you give me no hint what title you would wish to take. —I am, etc.,

HENRY DUNDAS.”<sup>2</sup>

Paying tribute to the memory of his beloved uncle in the choice of a title, he was created Baron Keith of Stonehaven Marischal in the peerage of Ireland on 7th March 1797.<sup>3</sup>

On 10th December 1799 he was appointed Commander-in-Chief, and employed against the French in Egypt, sharing with Sir Ralph Abercromby the honour of directing the famous landing at Aboukir Bay. Lord Keith on that occasion had the “Foudroyant” for his flagship.<sup>4</sup>

The year 1802 saw several distinguished honours conferred on Lord Keith. In November of that year a vote of thanks to Lord Keith and the Navy was moved in the House of Lords by Lord Hobart and seconded by Lord Nelson himself, and a similar vote was unanimously passed by the Commons. A week later the freedom of the city of London was conferred upon him along with a presentation sword of the value of one hundred guineas. Even these were soon to be eclipsed, however, for on the 15th of December his lordship was created a peer of the United Kingdom with the title of Baron Keith of Stonehaven Marischal.<sup>5</sup> On 14th May 1814 Lord Keith was advanced to the dignity of Viscount Keith.

On his return from the Mediterranean he was warmly welcomed by his numerous friends, and among other congratulatory epistles he received a letter from the Duke of Wellington, then Marquis of Wellesley and Governor-General of India, in which he writes:—“I cannot omit this opportunity of offering to your Lordship my sincere congratulations on the complete success which has attended the British navy and army in the late arduous and important services in the Mediterranean and in Egypt.”<sup>6</sup>

Lord Keith married, secondly, on 10th January 1808, Miss Hester Maria

<sup>1</sup> Life of Lord Keith, pp. 83-132.

<sup>2</sup> *Ibid.* pp. 133, 134.

<sup>3</sup> Birthday Book in Elphinstone charter-  
chest, and Life of Lord Keith, pp. 134-135.

<sup>4</sup> Life of Lord Keith, pp. 247-274.

<sup>5</sup> Birthday Book in Elphinstone charter-  
chest, and Life of Lord Keith, p. 313.

<sup>6</sup> Life of Lord Keith, pp. 317, 318.

Thrale of Streatham and Crowmarsh Battle, Oxfordshire,<sup>1</sup> a very amiable and accomplished lady, and as a child the favourite of Dr. Johnson and celebrated by him as "Queenie."

No sketch of the life of Lord Keith, however short, would be complete without referring to his brief but memorable association with that most illustrious figure of the early part of the century—Napoleon Buonaparte. In 1810 Lord Keith was promoted to the dignity of Admiral of the Red, and two years later succeeded Admiral Sir Charles Cotton as Commander-in-Chief of the Channel Fleet. In that capacity he was employed by the Government to assist, as far as possible, the operations of the British army in the Peninsula against the redoubtable Buonaparte; and when, after the decisive battle of Waterloo, and the precipitate flight of the French army, that monarch saw that his chances of rallying his kingdom and his forces under him were for ever gone, he surrendered himself to the British, it was to the care of Lord Keith that he was intrusted before being conveyed to the lonely sea-girt isle of St. Helena. The responsible and difficult task of dealing with such an illustrious captive demanded the exercise of considerable tact on the part of Lord Keith, and he found it no easy matter to act at the same time firmly and courteously to his caged eagle; but at length, after much negotiation and several personal interviews with the ex-Emperor on the one hand, and frequent interchange of communications with the Admiralty on the other, the transfer was satisfactorily accomplished. Strange to say, this memorable transaction was the last important event in the public career of Lord Keith, as the peace which followed allowed of his retirement from the navy after fully half-a-century of important and successful service therein.<sup>2</sup>

His untiring energy and remarkable successes at sea enabled Lord Keith to amass a considerable fortune, which he invested largely in the purchase of land, so that at his retirement he was possessed of no small amount of landed property. His estates included the barony of Stonehaven, which he had purchased about twenty years previously, probably out of respect for the memory of his ancestors, the Earls Marischal. He also enjoyed the estate of Banheath in Dumbartonshire, from which the title of his British peerage was taken, and the lovely grounds of Purbrooke Park in Hants. Of more interest than these, however, was his purchase of the barony of Tulliallan, in Perthshire, which afterwards became the principal residence of his family. On this estate Lord Keith erected the picturesque castle in 1820, and spared no expense in the improvement and tasteful arrangement of the grounds.<sup>3</sup>

Being in the seventieth year of his age when he quitted the service, Lord Keith did not long survive his retirement from public activity, for, seven years

<sup>1</sup> Edinburgh Annual Register, vol. i. pt. ii. p. 244. In the Life of Lord Keith, by Mr. Allardyce, the date of this marriage is given as 12th December 1808, which appears to be a mistake.

<sup>2</sup> Life of Lord Keith, pp. 350-413.

<sup>3</sup> *Ibid.* p. 415.

later, on the 10th of March 1823, he died at his castle of Tulliallan, and was buried in the old church of Overtown.

Margaret Elphinstone, the eldest daughter of Lord Keith, married in 1817 the Count de Flahault, aide-de-camp to Napoleon, and afterwards the representative of King Louis Philippe at the courts of Berlin and Vienna, and French ambassador to the Court of St. James's in 1860. Of that marriage there was issue five daughters, but no sons. At her death in 1867, the Barony of Keith, which was entailed upon her and the heirs-male of her body, became extinct. The eldest daughter of Margaret Elphinstone, Countess de Flahault, was Emily Jane Mercer Elphinstone de Flahault, who became Baroness Nairne by decision of the House of Lords on 4th August 1874. She married Henry, fourth Marquess of Lansdowne, K.G., in 1843, and their eldest son, Henry Charles Keith, the present Marquess, is now heir in possession of the Mercer and Tulliallan estates.

A man of untiring energy, indomitable perseverance and surpassing skill in naval affairs, Lord Keith's career was one unvarying record of success from his starting as a midshipman in 1761 to his retirement in 1815 as Admiral of the Red. In social life, as one would have expected, his natural qualities of decision, geniality, and humour, along with his experience of the world and association with many of the most distinguished personages of his time, both at home and abroad, combined to make him a favourite in fashionable circles, such as few who started life in his position might ever hope to experience. And when we consider with this his unvarying care and generosity to those who served under him, we see in Lord Keith a combination of qualities which unite to mark him out as a man of eminence even among the members of the distinguished and noble family to which he belonged.

*Geo: Keith Elphinstone*

*Keith*

XX.—JOHN, ELEVENTH LORD ELPHINSTONE,  
THE HON. ANNE RUTHVEN, LADY ELPHINSTONE, HIS WIFE.

1781-1794.

John, eleventh Lord Elphinstone, was the eldest son of Charles, tenth Lord Elphinstone and Lady Clementina Fleming, his wife. He was born at Elphinstone House on 26th January 1737, and was baptized there the same day by Mr. John Bruce, minister of the Gospel at Airth. The witnesses to the baptism, according to the parish register of baptisms, were Charles, ninth Lord Elphinstone, the grandfather of John Elphinstone, Alexander Innes, servant to his lordship, and many others.<sup>1</sup>

The records of the family are silent about the first eighteen years of his life. But as Lord and Lady Elphinstone were at pains to give their children every advantage possible with which to begin life, it may be inferred that John Elphinstone received an education suitable to his position as the eldest son of the family and heir of the peerage of Elphinstone. He was in Edinburgh in the spring of 1755 finishing his education.<sup>2</sup> On 10th March of that year he became a member of the Royal Company of Archers in Edinburgh.<sup>3</sup>

While his younger brothers, William and George, joined the navy, John Elphinstone adopted the army as his profession. Early in 1755 his parents endeavoured to procure for him an appointment as ensign or second lieutenant. They communicated their desire in the matter to their kinsman, the Earl of Panmure, who was at the time in command of the Royal Scots Fusileers, and to Captain Campbell of Ardkinglass. Both of these

<sup>1</sup> Birthday Book in Elphinstone charter-chest. Also Register of Baptisms in the parish of Airth.

<sup>2</sup> Original letter, W. Somerville to Lady

Clementina Fleming, dated London, 11th March 1755, in Elphinstone charter-chest.

<sup>3</sup> Mr. Balfour Paul's History of the Archers, p. 367.

officers drew up and signed a memorial in favour of John Elphinstone, which they presented to the secretary-at-war, who was at this time Henry Fox, afterwards Lord Holland. They represented that the granting of the memorial by obtaining a commission for their friend would be a very great favour to themselves.<sup>1</sup>

Mr. Fox responded to the memorial in several letters. He first offered Mr. Elphinstone a commission in a regiment in Jamaica. This, however, was declined on the pleas that his health did not warrant his proceeding there, and also that the place was too remote from Scotland.<sup>2</sup> Mr. Fox thereupon obtained for Mr. Elphinstone a commission as lieutenant in a regiment in Nova Scotia, and desired him to repair to his post immediately. The letter of Mr. Fox to the Earl of Panmure intimating that he had obtained this commission is in the following terms:—

“It being in my power before I received your lordship’s letter to give Mr. Elphinstone a lieutenancie in Lacelles’s regiment in Nova Scotia, which I think is a much better thing then a lieutenancie in Jamaica, and being willing to make up for my former forgetfulness, I have procured one for him. The commission is come over : but he must repair to his post immediately. I hope to hear from your lordship that he will do so, because, if he decline it, I may send another before the winter comes on. His Royal Highness says he must, if he accepts of it, go immediately ; and surelie his freinds are to blame if they do not lett him, but that is for their consideration. I only beg your lordship’s immediate answer.

“I am with the greatest respect, your lordship’s most obedient humble servant.

“H. Fox.”<sup>3</sup>

The commission which John Elphinstone now received was dated 2nd July 1755. In communicating the letter of Mr. Fox to the parents of Mr. Elphinstone, Lord Panmure advised them to communicate their intentions

<sup>1</sup> Original letter, the Earl of Panmure to Lady Clementina Fleming, dated London, 18th March 1755, in Elphinstone charter-chest.

<sup>2</sup> Original letters from the Earl of Pan-

mure to Lady Clementina Fleming, dated Edinburgh, 17th July, and Panmure, 28th July, 1755, and undated and unfinished letter from her ladyship to the Earl, *ibid.*

<sup>3</sup> Copy letter, dated 12th August 1755, *ibid.*

and arrangements at once to Mr. Calcraft, the agent of the regiment.<sup>1</sup> In acknowledging his lordship's letter, Lady Clementina gives expression to her own and her son's feelings with reference to this appointment, which he had been instrumental in procuring. She says:—

“ I assure your lordship my son and I are very sensible of the obligation we owe your lordship. Jockie would have waited on you, but Captain B[uchanan] tells us you are not to be at home for some time. He is greatly oblig'd to your goodness in procuring this comision for him : for tho' the regiment is abroad, its not a long voyage, nor is the climate bad, tho' I wish his R[oyal] H[ighness's] orders had not been so peremptore for his going befor the spring ”<sup>2</sup>

Lady Clementina was anxious about her son's health and hence her desire that he should not leave the country till the spring. She attributed a cough which he had to his growing so fast, adding that “ he is now as tall as my father was.” She states that he had written the agent of the regiment, and that he and his father were to proceed to Edinburgh to wait on General B[land], and to get Lord Elphinstone to write to Colonel Lascelles, as he had been long in the same regiment with him.<sup>3</sup>

The visit to General Bland just referred to resulted in the General writing to Colonel Lascelles in the interest of John Elphinstone. The cordial response of the Colonel deserves to be quoted here:—

“ London, September 6th [1755].

“ SIR,—I take the first momment to acknowledge the receipt of your letter, and to assure you, in return to the many prooffs you have always given me of your protection and friendship, I shall upon all occasions pay the greatest regard in my power to ivery command of yours, and particularly to the young gentleman you have recommended to my care, who did not want so powerfull an advocate, as he is a grandson to my worthy friend and very old acquaintance, Lord Elphinstone. And by the picture you have drawn of my young recruit I 'm convinced his own behaviour will strongly recomend him to Lieutenant Colonel Monckton and the corps, which I shall assist by the strongest

<sup>1</sup> Original letter, dated 18th August 1755, in Elphinstone charter-chest.

<sup>2</sup> Copy letter, undated, holograph of Lady Clementina, *ibid.*

<sup>3</sup> Letter, *ibid.*

recommendation to both, and I make not the least doubt, but he will be as much taken care of as if under my own eye. And if Lieutenant Elphinstone likes his situation in Nova Scotia as much as he will his brother officers, he will not, I'm convinc'd, repine at his lot, but contribute his share to preserve the harmony that has hitherto subsisted amongst them, and they are no less remarkable for their sobriety. And in justice to both, I cannot omit repeating what Governour Hopson told me, viz.—that the behaviour of the corps was such as that he had no room to find fault with any one from the lieutenant colonel to the drum. I am, etc.,

P. LASCELLES.<sup>1</sup>

Lieutenant Elphinstone now set out for London with a view to take ship for Nova Scotia. He travelled to London by the stage coach from Haddington. Starting from that place on Tuesday morning, he reached Boroughbridge, in Yorkshire, on Saturday night. By the following Tuesday he had travelled farther south in the same county to Ferrybridge. From this place he wrote to Lady Clementina Fleming, his mother. His letter on this occasion may be given here:—

“DEAR MAMA—Off my outsetting I need not tell you, for [I] dare say you have heard it. I overtook the coach at Haddington on Tuesday at breakfast, and got to Burrow Bridge on Saturday at nine at night. I went next morning to see Studly Parke, which belongs to one Aizelbe, and, indeed, it is the prettyest [torn] I ever saw. I sent my trunk by sea; but whither it or I will be first at London I don't know. Give my duty to Papa, and best wishes to all my brothers and sisters, and to all my well wishers I left att Cumbernauld. I am, dear mama, your most dutiful and obediant son,

JOHN ELPHINSTONE.

“Ferrybridge, Tuesday 6 [October 1755].

“To the Right Honourable Lady Clementina Fleming, att Cumbernauld, by Falkirk, North Britain.”<sup>2</sup>

Lieutenant Elphinstone arrived in London on 10th October.<sup>3</sup> He lost no time in providing himself with his military outfit which included “a blew froake, and a blew drabe for a great coat,” “another froak,” “a

<sup>1</sup> Copy letter to General Bland, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

<sup>3</sup> Original letter, John Elphinstone to his mother, dated 11th October 1755, *ibid.*

sword, scarf, spairtoun gorget, a regimental hat," a "field bed" and bedding, etc.<sup>1</sup>

Besides attending to his outfit he made several visits. One of these was to Lord Cathcart at Petersham. He thought he required to be introduced to the royal family. But his lordship informed him that this was unnecessary. The custom was, he said, "that no army man was caried further than to the Duke" of Cumberland. At that time the Duke had no levees, but he undertook to get leave to present him to his Grace at his own house.<sup>2</sup> Whether Lord Cathcart presented him to the Duke or not does not appear, but Lieutenant Elphinstone attended at Court a month later, and was at the same time presented to the Duke at his levee. This he states in a letter which he wrote on 25th November 1755, in which he says, "I was Sunday last at the Court at St. James, and on Munday was at the Duke of Cumberland levie where I had the honour of kissing his hand."<sup>3</sup>

Another visit which Lientenant Elphinstone made about the same time as the one to Lord Cathcart was to General Lascelles. The General invited him to dine with him. He appears to have asked leave of absence from the regiment at Nova Scotia, but this the General was unable to grant. He told him that it was the Duke of Cumberland's commands that all officers should repair to their posts immediately, and that it was in no colonel's power to give leave of absence.<sup>4</sup>

General Lascelles was favourably impressed with Lientenant Elphinstone, and in response to a letter from Lord Elphinstone to him, he cordially engaged to take a particular interest in him and to act the part of a father to him. The extreme friendliness of the letter, and the remarks which he

<sup>1</sup> Original letter, Charles Dundas to Charles Elphinstone, dated 14th October 1755, in Elphinstone charter-chest.

<sup>2</sup> Original letter, John Elphinstone to his father, dated 21st October 1755, *ibid.*

<sup>3</sup> Original letter, John Elphinstone to his mother, *ibid.*

<sup>4</sup> Original letter, John Elphinstone to his father, *ibid.*

passes upon the subject of this memoir, warrant the letter being subjoined in full:—

“MY LORD,—If the young gentleman that did me the honour of putting your lordship’s letter into my hand on Monday last had not been related to your lordship, nor so powerfully recommended, either by you, or my very old acquaintance and very good friend Generall Bland, his person, honest countenance and behaviour would have strongly influenced me in his favour. Your lordship will therefore beleive, from every motive, I shall look upon my young recruit as related to my self in the same degree he is to you: and, as his parent and Colonel, recomend him in a very *particular* manner to the care of my Lieutenant Colonel and such of the corps as will not only give the young gentleman good advice, but set him a good example; which is the best and indeed the only proof I can give you of the friendship and great respect, with which I am your lordship’s most obedient and most humble servant,

“P. LASCELLES.

“Richmond, October the 23rd, 1755.”<sup>1</sup>

It had been hoped that Lieutenant Elphinstone would get such leave of absence from his regiment as would prolong his stay in England or Scotland until the Spring. Although hitherto unsuccessful in getting this arranged, and although Lieutenant Elphinstone intimated to his father on 6th November that he had arranged to sail for Nova Scotia on the 17th or 18th of that month,<sup>2</sup> efforts were not abated to get his going abroad deferred. With this in view it was now sought to obtain for him an exchange into another regiment, and the aid of Lord Panmure and others was enlisted in the matter.<sup>3</sup>

Meanwhile, the exertions made on his behalf were so far successful that the desired leave of absence was obtained. The period given him was to the 1st of March 1756. His friends hoped that before that time they would get him transferred to a regiment in England. He con-

<sup>1</sup> Original letter in Elphinstone charter-chest. In a later letter John Elphinstone describes the General as “a simple, good natured man.”

<sup>2</sup> Original letter in Elphinstone charter-chest.

<sup>3</sup> Original letter, Lieutenant Elphinstone to his mother, 17th November 1755, *ibid.*

tinued to reside in London, and in order to employ the time profitably he attended Watt's Academy for instruction in fortification, gunnery, fencing, and the French language.<sup>1</sup> His attendance there commenced on 21st November.<sup>2</sup>

During the time Lieutenant Elphinstone was in London his letters to his parents were frequent. Besides keeping them informed of matters personal to himself, he occasionally made allusion to the topics of the day. Thus on 25th November 1755, he writes of the earthquake at Lisbon whereby the one half of the town, he says, was swallowed up and the other set on fire, so that the King of Portugal had difficulty to escape with his life. In the same letter he intimated that he would send his father three political pamphlets by Mr. Pitt against the parliament.<sup>3</sup> In another letter written by him soon after this, he says:—

“They are thro’ fitting out my Lord Albemarle’s command to reinforce Martonique, if wanted, and if not I hear to go to Cuba, tho’ last night the talk was all peace; my Lord Bute, as I’m told, having declared in the House that the Russians would act no more against the interest of G[reat] B[ritain]. The Duke of Bedford last week spoke a deal upon recaling the troops from Gen[oa], and was answered by Lord Bute in a most genteel and cleaver speech. It was caried by a vast majority against his Grace.”<sup>4</sup>

Lieutenant Elphinstone was now soon to cross the Atlantic. He had failed to get the exchange which he sought, and events were transpiring which would shortly necessitate his joining his regiment. In the quarrel between Britain and France, North America became the theatre of war. Lord Loudoun’s regiment of Highlanders was despatched thither. When he learned of this expedition he communicated his information to Lady Clementina, his mother. On 27th January he writes:—

“I now find I must lay aside all thoughts of staying any longer in England and set about going to America, for last Sunday it was finally [decided] that an expedition

<sup>1</sup> Original letter to his father, Charles Elphinstone, 20th November 1755, in Elphinstone charter-chest.

<sup>2</sup> Letter, Charles Dundas to Charles Elphinstone, 20th November 1755, *ibid.*

<sup>3</sup> Original letter, *ibid.*

<sup>4</sup> Letter, *ibid.*

should be fitted out to go to America, the command of which is to be given to my Lord Loudon, who will have power to give away all commissions in that part of the world under regiments: And I have been told that he is even to have the name of Vice-Roy of N. America, but this last I doubt answer for. But I may say no Scot[c]hman ever had greater power than he will have. (Lord Rothes and Tarawly were both ask[ed] but declined, the last for want of health, but tother for reasons I dont know.) He is to have with him Colonell Abercromby, who is to be immediately made a Major General. There is to be three regiments sent, viz., the Highlanders, who are to [be] augmented to 1000, Otways and Murrays: but if this should not succeed, all I can [say is] that at present everybody has it so.”<sup>1</sup>

By the beginning of February John Elphinstone received orders to set out for his regiment by the first ship that sailed for Nova Scotia. He got a letter from Lady Stair to Lord Loudoun in case it might be helpful to him. An embargo placed on the shipping caused some delay to him, but he reached Halifax, in Nova Scotia, in the middle of July, 1756.

His first letter home is devoted to a description of the town of Halifax and of his circumstances in it. The letter proceeds as follows:—

“It is now pretty large, and is situated upon [the] side of a steep hill, at top of which is a fort called the Citadel, which commands the whole place, and at bottom a large harbour, where is at present three men of war, and expects in Comadore Homes with three sail more every day. It is well picketed round, and at present has three regiments quartered in it, excepting those that are upon out commands, of which there are four or five that are relived once two years; and in these there [is] always a captain and never less than four subalterns, and oft times more, as some of them are one hundred miles cross the woods from this. A few days ago a party came in here from Pisguid, which is one of them, and brought an account of a sergeant and six men being killed and scalped within a mile of the Fort by the Indians and French. And besides these yearly ones, there are four that are nigher the town, in which there is a subalterns command, and they are relived every two months, from one of which I am just relived, thank God, before the winter came on, otherways I should have stood a chance of starving, or at best coming off with the loss of a toe, which I assure you has often hapened to the soldiers.”<sup>2</sup>

<sup>1</sup> Original Letter to Lady Clementina Fleming, 27th January 1756, in Elphinstone charter-chest.

<sup>2</sup> Original letter, 2nd October 1756, *ibid.*

Lieutenant Elphinstone states further in his letter that Lord Loudoun had gone to Albany, that there were no fresh provisions but what came from New England, which were excessively dear, and that other things were likewise dear. He dined with the officers of his regiment in the mess. Dinner alone cost each one fifteen shillings a week. The officers breakfasted and supped with one another by turns.

He was still at Halifax in August 1757. He then reports to his father an important step which he had taken, a step which shows his desire to get into more active service than he then had. He applied to be allowed to join Lord Loudoun in an expedition which was then intended. The circumstances will be best stated in his own words :—

“ Upon Lord Loudon's arrival here, there was a number of men, equal to a battalion, draughted from the three regiments doing duty at Halifax, to go with him upon some intended expedition, to which body was put the oldest officers of each rank. By [this] means I was excluded ; but being very desirouse of going, and fancying it might be some use to me some time or other, [I] went to General Abercomby to aske his advice whither he thought it would be right in me to ask to go, as I was not one of the officers that was appointed ; to which he answered he thought it was very right, and dared to say Lord Loudon would give me leave, but desired [me] to get the commanding officer of the regiment's leave, which you may belive, I soon obtain'd when put on that footing. So that I now go to Louisburg, or where ever else the army goes, which is an indulgence not an other officer here hase met with, althoug some have asked. Most people here say that I was much in right for asking, so that I flatter myself with meeting with your aprobatation, which will make me extreamly happy for I never would have undertaken any such thing without your consent had there been a possibility of letting you hear from me.”<sup>1</sup>

What this change in Lieutenant Elphinstone's circumstances, brought about in a way and guided by motives most honourable to him, led to does not appear. There are no letters by him reporting his movements for more than a year thereafter, or until November 1758. His cousin, Charles Gascoigne, states that he had information that “ Lascells regiment

<sup>1</sup> Original letter to his father, 4th August 1757, in Elphinstone charter-chest.

are gone to Boston in New England, where we may direct for Mr. Elphinstone."<sup>1</sup>

A letter written in November 1758, about Lieutenant Elphinstone, deserves notice here. It is penned by David Mill from New York, and is addressed to Lord Elphinstone. Among other things, he says in reference to the Lieutenant—"I can say he is very sober and well liket in the regiment." He had delivered his letters to him when he was at Louisburg. He then refers to the regiment, and indicates that there had been considerable fighting with the French. He writes :—

"Our regiment is all heare, and to remain all winter. It's the head quarters ; and a very gay place it is. I have had a long summer of it with my wounds, but his now got the better of them. I had tow shot in the head which give me great pain for a long time. It was hot work, and I supos we shall have the same sport to play over again. I don't meen to be beat tho' ; I hop we shall beat the French doggs for once tho its a —— countrey for a war, that wood feighting. I wold rather be at Kill-drum or even at Fanesid."<sup>2</sup>

Judging by the terms of this letter, Lieutenant Elphinstone, and his regiment, must have seen active service and been exposed to considerable danger. He was at New Brunswick on 2nd December 1758;<sup>3</sup> but he did not remain long there, and was in New York before the close of that month.

While on his way to New York he had the misfortune to lose the whole of his baggage, a loss which he estimated at the value of one hundred pounds. He was thereby necessitated to get an entire new outfit. This unfortunate circumstance was brought about in the following manner :

Lieutenant Elphinstone was marching with the Forty-Seventh regiment from Boston to join General Abercromby at Lake George. General Amherst gave orders that no officer should take with him more than a

<sup>1</sup> Original letter to Lady Clementina Fleming, dated London, 17th October 1758, in Elphinstone charter-chest.

<sup>2</sup> Original letter, 26th November 1758, *ibid.* David Mill brought letters to Lieutenant Elphinstone from Lord Elphinstone and Lady

Clementina Fleming when he went to America in or about the year 1758. [Undated letter, Lieutenant Elphinstone to his father [1759], *ibid.*] He may have been one of Lord Elphinstone's tenants.

<sup>3</sup> Bill of Exchange, *ibid.*

soldier's tent, a blanket and bear skin, and as few other things as possible. As Lieutenant Elphinstone belonged to the Grenadier Company, which was separated from the regiment, he had no opportunity of carrying more than four shirts, as many pairs of stockings, and what clothes he could carry on his back. The baggage of the officers and soldiers, including all the new clothing of the regiment, which was being conveyed by sea to New York, was seized by a French privateer.<sup>1</sup>

Lieutenant Elphinstone had to draw upon his parents to have this loss made up to him, a loss which he informed them was not through extravagance or fault of his, but absolutely the fortune of war. The response which they made to his application evoked his thankful acknowledgment. He says, "I can't sufficiently express my gratitude to you for your so readily accepting my bill, and for the pain you seem to feel for the lose of our bagage."<sup>2</sup> The Earl of Panmure, to whom Lady Clementina had communicated the matter, in replying to her ladyship, says, "I am very sorry to hear of Mr. Elphinstons loss by sea. His baggage will be a very great want to him, but I hope may be made up in his winter quarters, where I'm glad to hear he is safe, and I suppose one of the best in that part of the world."<sup>3</sup>

The anticipations of Lord Panmure regarding Lieutenant Elphinstone's new quarters were not quite realised by the latter, who, on 20th January 1759, writes, "I am at present confined to my room under the care of Mr. Huck, phicitian to the hospital, and Doctor Barr, for a violent feaver which I have had, but thank God I have now u[ear]ly got the better of it, having no other complaint but weakness."<sup>4</sup> The illness to which he here refers continued for at least thirteen weeks, during which time he remained confined to his room.<sup>5</sup>

<sup>1</sup> Original letter, Lieutenant Elphinstone to his father, dated New York, December 24th, 1758, in Elphinstone charter-chest.

<sup>2</sup> Original letters to his mother, New York, January 20, 1759, and to his father,

undated, *ibid.*

<sup>3</sup> Original letter, 22nd February 1759, *ibid.*

<sup>4</sup> Original letter to his mother, *ibid.*

<sup>5</sup> Original letter to his father, undated, *ibid.*

Previous to his coming to New York, General Abercromby offered to allow Lieutenant Elphinstone to return to England, but he elected to remain. Referring to this, in his letter to his father of 24th December 1758, already quoted, he writes:—

“I would have seen [you] this winter had it not been that I wou'd not take upon myself an affair of such consequence without your and Lord Panmure's approbation, for I do assure you I had General Abercromby's leave to go to England this winter. He has given me his word and honour that he will obtain me the Secretary of War's leave to return at the end of next campaigning.”<sup>1</sup>

The friends of Lieutenant Elphinstone were grateful to General Abercromby for this and other attentions. Lord Panmure wrote to Lady Clementina, “I'm very much oblig'd to General Abercromby for the notice he has taken of Mr. Elphinstone, and will be sure to thank him at meeting.”<sup>2</sup>

Lieutenant Elphinstone from first to last during his connection with the army aspired after promotion. The subject continually crops up in his correspondence. It was as a means to this end that at this period the proposal that he should sell his commission and purchase another was revived, and found a large place both in his own letters and in those of his friends. But notwithstanding strong desires followed by strenuous exertions and the employment of powerful influence, now, as well as afterwards, as will subsequently appear, circumstances did not favour the realisation of his cherished desires.

Meanwhile extensive preparations were being made by the British government for the capture of Quebec from the French. The squadron which was to take part in the operations, and General Wolfe who was to command the land forces, sailed from England about the middle of February. Lieutenant Elphinstone's regiment was to engage in the expedition. Writing to Scotland about this date, he says:—

<sup>1</sup> Original letter, also another, dated 10th May 1759, in Elphinstone charter-chest.

<sup>2</sup> Original letter, Panmure, 22nd February 1759, *ibid.*

“Our regiment is at present under marching orders ; and we expect to embarke for Louisburg in a fortnight or three weeks at farthest, as we are one of those destined to go up the river St. Lawrence under the command of General Wolfe.”<sup>1</sup>

The departure of his regiment from New York took place in May 1779. The squadron which sailed with General Wolfe from Spithead, as already stated, arrived off Louisburg on 21st April, but the entrance of the harbour being blocked with ice, they sailed for Halifax, which they reached on 1st May. By the 10th of that month Lascelles's regiment, to which Lieutenant Elphinstone belonged, was embarked on board a ship and ready to sail for the purpose of joining this naval force. Under that date he writes from Sandy Hook :

“I'm at present as sick as can be with the tossing of the ship, which I hope will be some excuse for the many errors that may be in this. We expect to sail this night or tomorrow for Louisburg, from whence I will do myself the honour of writing to Lady Clemy.”<sup>2</sup>

The promised letter from Louisburg is not forthcoming, and may never have been written. But by the end of May the regiment of Lieutenant Elphinstone had joined the squadron. On 6th June Admirals Saunders and Holmes sailed up the St. Lawrence with the rest of the squadron, including a hundred and twenty transports, having on board among other regiments that of Lascelles. The forces of the different regiments numbered in all about ten thousand men under General Wolfe.<sup>3</sup> On 27th June the troops were lauded upon the Isle of Orleans. Thereafter positions were taken up and fortified on the point of Levi and on the westernmost point of the Isle of Orleans, from which they could bombard the town of Quebec.<sup>4</sup>

Operations for the taking of the town were still being conducted at the close of July. It was then resolved to adopt the first opportunity of attacking the enemy. Preparations were made for an engagement. On 31st July

<sup>1</sup> Original letter to his father, undated, in Elphinstone charter-chest.

<sup>2</sup> Original letter to his father, *ibid.*

<sup>3</sup> The Scots Magazine, vol. xxi. pp. 314, 375.

<sup>4</sup> Official Despatch, *ibid.* pp. 541, 542.

the boats of the fleet were manned with grenadiers and part of a brigade. Other dispositions of the troops, artillery and some of the ships were made.<sup>1</sup>

The attack which followed these arrangements, in which Lieutenant Elphinstone, one of the grenadiers, was wounded, will be best described in the words of General Wolfe in the despatch which he sent to Mr. Secretary Pitt. In this despatch the General pays a high compliment to Mr. Elphinstone and the other officers who were wounded in the engagement. He says:—

“The thirteen companies of grenadiers, and 200 of the second Royal American battalion, got first on shore. The grenadiers were ordered to form themselves into four distinct bodies, and to begin the attack, supported by Brigadier Monckton’s corps, as soon as the troops had passed the ford, and were at hand to assist. But whether from the noise and hurry at landing, or from some other cause, the grenadiers, instead of forming themselves as they were directed, ran on impetuously towards the enemy’s intrenchments, in the utmost disorder and confusion, without waiting for the corps which were to sustain them and join in the attack. Brigadier Monckton was not landed, and Brigadier Townshend was still at a considerable distance, though upon his march to join us, in very great order. The grenadiers were checked by the enemy’s first fire, and obliged to shelter themselves in or about the redoubt which the French abandoned upon their approach. In this situation they continued for some time unable to form under so hot a fire, and having many gallant officers wounded, who, careless of their persons, had been solely intent upon their duty.”<sup>2</sup>

General Wolfe called his attacking force off, that they might form themselves behind Brigadier Monckton’s corps, by this time drawn up on the beach. He also deemed it inexpedient to renew the attack, as the hour was late and a sudden storm had come on.<sup>3</sup>

Lieutenant Elphinstone is named among the wounded at the end of the despatch of Wolfe in the return which he made of them.<sup>4</sup> Mr. Elphinstone himself reports that “the day I was wounded, there were 28 officers wounded

<sup>1</sup> Official Despatch of General Wolfe. [The Scots Magazine, vol. xxi. p. 543.]

<sup>2</sup> The Scots Magazine, vol. xxi. p. 543.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* p. 544.

and one killed, our youngest lieutenant ;” and he adds that “this was pretty well out of 9 companies and in about five and twenty minutes.”<sup>1</sup>

When on 10th August Lieutenant Elphinstone intimated to Lady Clementina Fleming that he was wounded, he did so in a very modest manner. He gave no account of the fighting, for a reason which he assigns. He had to employ a borrowed hand. The portion of the letter personal to himself is as follows :—

“Isle Orleans, 10th August 1759.

“DEAR MADAM,— . . . I am at present confined to my tent by a gun shot wound which I receiv'd on the 31st July last as we were attempting to force the enemy's intrenchments. You'll accuse me in not writing the detail of the whole because I do not know how it would be liked if known by the Great.

“All I can say is I am wounded in the neck and in a fair way of doing well, and so much that I expect at a week or a fortnight to join the grenadiers again. Pray present my best wishes to Panmure the first time in your writing. I shou'd think it in his power, if he desired it, to get easily such a one as I something better ; but, however, we must be contented in this world. Present my duty to my father, and best wishes to all. I'll answer Miss Elphinstone's letter by the first opportunity, and you may depend upon hearing from me. I am, with the greatest respect and esteem, dear madam, your most humble servant,

J. ELPHINSTONE.

*P.S.*—You'll excuse my letter being so short, as the man that wrote it cou'd not readily understand what I said.—J. E.

[Address on back] “To the Honourable Charles Elphinstone at Cumbernauld, near Falkirk, North Britain.”<sup>2</sup>

A month later he wrote again to Lady Clementina, and reports to her fully about his wound. He says—

“My wound, thank God, is now mending fast. I have not half the pain in it I had some weeks ago. Both the holes are stil open, from whom flows a great discharge. It is rather disagreeable for it to come within, but it can't be helped. We have drawn several bones out. I mean by we, the doctor and myself, for he tooke one out of the outside, and I three from the inside hole. The doctor says it is very lucky they are

<sup>1</sup> Original letter to Lady Clementina Fleming, 12th September 1759, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

got in that maner, for al the brocken bones must come out before eether of holes will be alowed to fill up.

“I had no sooner got a little easy from my wound but I was attack[ed] with a violent rumatism which has settled in my shoulders and neck, and so contracts the tendents of my neck that have been cut, and are not as yet joined strong enough to cary the wight of my head, so that of all the pains I ever felt in my life this is by far the most severe ; whowever, as it is not deadly, I have nothing for it but patience and flannells as hot as I can suffer them.”<sup>1</sup>

Lieutenant Elphinstone was prevented by his wound from taking any further part in the war, and was not present in the second and successful assault on Quebec, when General Wolfe fell, on 13th September 1759. In accordance with the doctor's advice, he purposed to remove to Philadelphia and reside with a private family. But if he did this, he did not remain long there. He himself was anxious about his head, which, he says, was fully three inches to one side from its proper place. His doctor held that this would through time be remedied if he lived moderately and kept himself warm.<sup>2</sup>

Lady Clementina Fleming, his mother, was particularly anxious about her son. She applied to several persons about him whom she knew were in the way of receiving letters from the seat of war. One of these, Colonel Hare, who had just come to England from Canada, stated that the lieutenant's wound was not dangerous, and that he was well recovered and walking about the camp, when he, the colonel, left Canada. One correspondent assured her ladyship there would be no difficulty in getting “Jockey” leave to come home this winter; “for consider,” he said, “these Quebeck Hero's are at present in high favour.” Lord Panmure, the unfailing friend of the family, also endeavoured to reassure Lady Clementina, and added that he hoped to hear of his preferment which his services entitled him to.<sup>3</sup>

There was undoubtedly strong mutual affection between the mother and

<sup>1</sup> Original letter to Lady Clementina Fleming, Isle of Orleans, 12th September [1759], in Elphinstone charter-chest.

<sup>2</sup> Original letter to Lady Clementina Fleming, 12th September 1759, *ibid.*

<sup>3</sup> Original and copy letters, *ibid.*

son, and this would only give the keener edge to her anxieties for him. There is no letter written by her at this period preserved, but a fragment of one, written to Lieutenant Elphinstone just before she received word of his being wounded, shows that she had continual fear for his safety. As bringing out this, and as showing the affectionate interest she had in him, it may not be out of place to give the letter here. It proceeds—

“Here is your frind Charles Dundass ; poor man, he is much brock in his spir[i]ts Your cusine Gass[coigne] is now marieed to Miss Carbett. It may be profittable, but as yet there is no settellments. Mr. Iness is here, who, I dare say, dayly prays for your preservation. He begs to be remember’d to you. Keith is very well ; but his way of life is not as yet determined, but you may be sure I ’ll never wish him a soger after the misery that trade has been to me, and the everlasting fear I ’ve been and still is in about you. Your sisters are very well, and dear wee Charlotte a fine infant as you could wish her. All your frinds are in very good health att present. We have been ofen asured of Lord Marichall haveing got his pardon, and being to be home imediately, but I have no certainty for it. Att present he is att Madrid ane embassey from the King of Prussia ; but I hope to be sure befor I writ again to you, and that [I] may doe that very selldome after this is my earnest wish to the place of the world you are now in. May all happyness attend you, my dear. May you live in honour, and make us all happy, is the prayer of your affectionate mother, CLEM. FLEMING.

“Cumbernauld, September 4th, 1759.”<sup>1</sup>

Lieutenant Elphinstone was returned to London by the end of November 1759. If he left the shores of his country an untried officer, he was now on his return no longer so. He was thenceforth one of the Quebec heroes, a designation already applied to him in a letter above quoted. He had taken his part, as a lieutenant of the army, in adding to the British possessions the great Dominion of Canada, of which Britons have since been so proud. His wound and the despatch of General Wolfe were sufficient proof that he was possessed of courage.

His passage from Quebec to Portsmouth occupied twenty-two days. When he arrived in London he at once consulted Mr. Adair, whom he

<sup>1</sup> Holograph letter of Lady Clementina Fleming in Elphinstone charter-chest.

describes as one of the first surgeons in London, as to whether his head could be brought to its proper position. His reply was that the cure would be tedious, taking not less than a year.<sup>1</sup>

The correspondence of Lieutenant Elphinstone from the time of his arrival in England till the following April is chiefly taken up with his own and his friends' endeavour to obtain his promotion, and does not require particular notice taken of it. There are, however, several letters belonging to this period which claim some attention.

On 16th [March] 1760 he wrote to Lady Clementina, his mother, that "unless something very unforeseen should happen, I'll certainly set out for the north, by the 15 of April at farthest, with Gascoigne." He also has the following in the letter relating to the family arrangements of his parents:—

"I was a good deal surprised by a letter from my uncle Buchan to Gascoigne some time ago, where, amongst other news, he tells him that Mr. Elphinstone has taken a house and stables for his horses in Edinburgh. But as I had letters both from him and you since, and neither of you said a word of it, I concluded my old uncle's intelligence to be premature. But since we have heard that it is so, and that you enter in to it at Mayday, I hope this has arose only from your taking a house for Dolly and the girls while they are at school, as I believe it would not be very agreeable for you to live in town, particularly in the summer, and I know it would be very hurtful to papa, considering how different a life he must lead from that in the country. However, if it is already so, I hope you will forgive the freedom I have taken."<sup>2</sup>

To this letter Lady Clementina replied that she had "my dear Jockie's letter;" that she was glad he had fixed the day for his visit to her, and that she hoped he would keep it. After giving him some directions, and also news about their friends, she says, in regard to the family arrangements alluded to—

"Its very true we have taken the house Mr. Home lived in, and it has a stable

<sup>1</sup> Original letter to Lady Clementina Fleming, London, 29th November [1759], in Elphinstone charter-chest.

<sup>2</sup> Original letter to Lady Clementina Fleming, *ibid.*

But we doe not propos going till winter, and only for winter amusement to the old ones, and scholls for the bairns." <sup>1</sup>

As showing the esteem which Lieutenant Elphinstone was held in by his friends, a letter from Claud Hamilton may be here adverted to. Lord Elphinstone had written Mr. Hamilton thanking him for some service he had done for his son the lieutenant. In replying to his lordship Mr. Hamilton speaks in flattering terms of Mr. Elphinstone. He says he only wished he had it in his power "to do for him what he deserves, being extremely brave, and as good an officer as perhaps any of his standing in the army. I have the pleasure to tell you that he is a very pritty young fellow, esteemed and beloved by all his friends and acquaintances: and as he has so good a charecter and suffered so much in the s[erv]jice, I think it will be hard if his friends can't get a company for him upon this occasion." <sup>2</sup>

A letter which Lieutenant Elphinstone wrote to his sister, Miss Elphinstone, on the occasion of the death of their little sister, as it shows the kind and sympathetic feelings which he entertained towards those so nearly related to him, deserves at least to be partially quoted. He writes—

"DEAR MALLY,—I last night received yours, which gave me an account of our poor little sister's death, for which I am very heartily sorry for, particularly when I consider what a shock it must give to so good a tender hearted mother, but I hope her own good sense, together with your and the rest of the familys company, will prevent her being too deeply effected with a loss which is not in our p[ower] to hinder. I am happy to hear of the recovery of the other three from so troublesom a disorder. I am as yet uncertain when I shall be able to leave this, but the moment I am shall loose no time in being where I have long wished to be, at Cumbernauld. . . ." <sup>3</sup>

It has been already seen that Lieutenant Elphinstone arranged to visit his parents on 15th April 1760. This he does after an absence from home

<sup>1</sup> Original letter, Lady Clementina Fleming to Lieutenant Elphinstone, 31st March [1760], in Elphinstone charter-chest.

<sup>2</sup> Original letter, London, 14th January 1760, *ibid.*

<sup>3</sup> Original letter, London, 9th February 1760, *ibid.*

of between four and five years, and after holding his commission in the army for that period.

Lieutenant Elphinstone had evidently been anxious to receive promotion or some military appointment before proceeding to Scotland. This he now obtained. King George the Second granted him a commission to raise a company of foot. The company was to consist of four sergeants, four corporals, two drummers, and one hundred effective private men, besides commissioned officers. It was to be raised in any part of Great Britain desirous of completing it to the number mentioned. The commission, which is superscribed by the king and subscribed by Lord Barrington, is dated 14th April 1760. Lieutenant Elphinstone is therein designed by the king "our trusty and well beloved John Elphinstone, gentleman, commandant of a company of foot to be forthwith raised for our service."<sup>1</sup>

The period when this commission was granted was one of alarm. The British had been victorious in Hindostan, in Canada, and in Germany. But while the bulk of the British forces was abroad, the movements and doings of the French squadron under Captain Thurot along the coasts of Scotland, and also of Ireland, and the formidable preparations of the French for invading Britain, drew attention to the defenceless state of the country. The adoption of measures for its greater security was called for, and a national militia for Scotland was demanded. Although parliament refused the demand for a militia force, there can be little doubt that the raising of this company was the outcome of the general alarm then prevalent.

From the time of his obtaining this commission Mr. Elphinstone took and received the designation of Captain Elphinstone, which indicates that it carried with it that rank. Captain Elphinstone now came to Cumbernauld, which he made his headquarters. He appears to have possessed the right to name or appoint his own lieutenants; and the method he took was to prefer

<sup>1</sup> Copy commission in Elphinstone charter-chest.

to that rank in his company such as raised and marched to his headquarters thirty men.<sup>1</sup>

Captain Elphinstone did not long remain in Scotland. He had returned to London by the close of the following year, 1761, or the beginning of 1762, when his correspondence from there with his friends in Cumbernauld is again resumed. He was then in Colonel Irwin's regiment, which, it would seem from his letters, expected to proceed to Jamaica. Captain Elphinstone resolved that he would not go there, unless he was induced to do so by getting promotion. While he remained in London he sought to get some other advantageous military appointment, but without success, although from time to time he applied to very influential quarters for it.

His health was not good in London. His colonel, with great consideration for him, gave him the option of going to Bath, which he thought would benefit his neck, or anywhere else, on recruiting service. This was in February 1762.<sup>2</sup> On the 13th of the following April he writes:—

“As I am now greatly better in my health, tho it would still thoall amends as well as my purse, I propose leaving this soon for Bath, in my way to Haragate, that being fixed with my military as well as physical masters, so that I think it will be the middle of August before I see you.”<sup>3</sup>

Nearly two months later Captain Elphinstone writes that he had waited upon Mr. Townshend, the secretary for war, and asked him if he could employ him in any way. The Secretary replied that he could not do so to his advantage; but he gave him leave to go north when he saw fit for his health.<sup>4</sup>

Before following Captain Elphinstone on his return to Scotland, it may be noticed here that Charles, Lord Elphinstone, his father, devoted himself

<sup>1</sup> Original letter, Daniel Seton to Captain John Elphinstone, Cumbernauld, claiming a lieutenantancy for John M'Gilchrist, Edinburgh, 29th September 1760, in Elphinstone chartrchest.

<sup>2</sup> Letter to his father, London, 20th Feb-

ruary 1762, *ibid.*

<sup>3</sup> Letter to Lady Clementina Fleming, *ibid.*

<sup>4</sup> Letter to his father, without date, but bearing postmark of 8th June [1762], *ibid.*

with some ardour to gardening and arboriculture. In the period now dealt with, as well as when he was in America, Captain Elphinstone took pleasure in collecting tree seeds and shrubs for him, and his letters frequently refer to his doing this. The following, written by the Captain at this time, may be taken as an example of what is now stated:—

“I have bought fourteen different sort of tree seeds, mostly of the pine tribe, which I shall send you as soon as an opportunity offers. They must be put into pots or boxes, so that they may be lifted for the first winter, tho’ for my part I see no reason why they should, as they are mostly Americans, where the winter is so much severer then ours, unless this present one, which is worse then any where, having had snow every day more or less for this fortnight. But it is the gardner’s advice, so wo’d have it done. The way to open the cedar of Lebanon is by boring a hole from one end of the coan tother, and then driving [in] it a square pice of wood which will open it, and by that means come att the seed ; the common way is not so good, which I’m told is either puting it [in] water, or driing them much. I intend speaking to the Duke of Argyle for an order for some of his nursery, as I [am] sure he has many more then he can have use for, but if you was to send, you would gett them.”<sup>1</sup>

Captain Elphinstone soon after this returned to Cumbernauld, and his letters to his parents, which have hitherto been so useful in supplying so much of the information about him recorded in these pages, cease from this time.

It was about this period also, probably in the beginning of 1764, that Captain Elphinstone was married to the Honourable Anne Ruthven, eldest daughter of James, third Lord Ruthven. On 31st January 1765, his daughter was born at Cumbernauld.<sup>2</sup> A few years later, references to his

<sup>1</sup> Original letter to Lord Elphinstone, London, 7th March 1762, in Elphinstone charter-chest. With reference to Charles, tenth Lord Elphinstone’s taste for gardening it may be added here that the Earl Marischal, writing from Potsdam, on 27th February 1768, to his niece, Lady Clementina Fleming, says, “I have sent turnip seed to Sir

James Stewart. There is a small bag for you. Mr. Elphinstone, I think, loves garden- ing. I remember he gave [us] subterraneous pease. The turnips here far surpass any I ever eat elsewhere.” [Original letter in Elphinstone charter-chest.]

<sup>2</sup> The Scots Magazine, vol. xxvii. p. 55.

children appear in the letters of Earl Marischal to his niece Lady Clementina Fleming. On 27th February 1768, the Earl writes to her ladyship, saying, "I wish you joy of your fourth grandchild. Are they all daughters? If they be, John must get four sons in the four following years."<sup>1</sup> In other letters he sends his compliments to "the bairns and the bairns bairns," and inquires as to the number of John Elphinstone's children. On 16th October 1768, he writes to Lady Clementina, "I this moment have yours of the 15 September, and again wish you joy of the merry meeting. I had John's letter in which he tells me the honor he has done me in naming his daughter Keith."<sup>2</sup> I thought you had a house at Biggar, but I find he has hired one."<sup>3</sup>

Another and still later reference to Captain Elphinstone's family, and especially to his eldest son and successor, who is called therein "Young Jock of Biggar," by the parish minister of Biggar, is worthy of notice, and the letter containing it may be given in full. It may be taken as representing the feeling in Biggar at the news of the birth referred to therein.

"Biggar, June 23d, 1774, and our Fast-day evening.

"MY DEAR SIR,—The warm anxiety we were under for some time to hear from you made your letter with the joyful news it carried the most agreeable to receive. The honest Baillie, late and wet as he was, gave in your's ere he went home, and all in and out of bed had the joy communicated to them by Mrs. Johnston, who received the Baillie's tidings first.

"And now allow the most sincere and hearty congratulations of all this house on so happy an event. Nor I hope will you reject the old fashion'd stile of the parson of Biggar in his most ardent prayers for good Mrs. Elphinstone's happy recovery and full re-establishment of health, with the good thriving of the young gentleman, as well as the increasing happiness and prosperity of all the family; and, if you will forgive a particular mention of the Baillie's favourite, *Young Jock of Biggar*.

"As it has been my determined purpose of long, that my first departure from home after getting parish business over should be to pay my respects where so long due (to my shame be it spoken), I am fully resolved, if nothing unavoidable bar it

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> This daughter, Keith Elphinstone, was the youngest of the family, and afterwards became Mrs. David Erskine of Cardross.

<sup>3</sup> Original letter, *ibid*.

not, to do myself the honour of a visit at Cumbernauld House week after next. I shall be happy to find you at home ; but I promise myself the high pleasure at any rate of seeing Mrs. Elphinstone, to whom with your own honour, my lord and lady if not gone, the young ladies and all the family, our most respectful compliments are sincerely offered ; and I am with cordial esteem and respect, my dear Sir, your most humble and faithful servant,

JO. JOHNSTON.

“ To the Honourable John Elphinstone, Esqr., at Cumbernauld House, by Falkirk.”<sup>1</sup>

In 1768 Captain Elphinstone received from Lord Elphinstone and Lady Clementina Fleming an assignation of part of the rents of the estate of Biggar in payment of an annuity of £250 during the lifetime of her ladyship. The assignation was confirmed in 1771 in a trust-disposition which Lady Clementina Fleming of Biggar and Cumbernauld and Lord Elphinstone made to Captain Elphinstone and his brother William, and their cousin, Charles Gascoigne, giving to them in trust the rents and others of their estates, reserving a yearly allowance out of them, until such time as the whole family debts were paid.<sup>2</sup>

The trust-disposition of his parents now described would give Captain Elphinstone large employment, in which his being out of the army and resident in Cumbernauld would permit him to engage.

It was probably a few years prior to his accepting this trusteeship that his brother William, who became a joint trustee with him, wrote him an affectionate letter on the occasion of the birth of one of his daughters, urging him to return to the army. The kindness and considerateness of the letter, and the display which it gives of the very good relations between the brothers, are a sufficient reason for reproducing it in the Memoir of the Captain. The letter is in the following terms :—

“ DEAR JACK,—I had the pleasure of hearing last post from Kieth, that Mrs. Elphinstone was safely delivered and in a fair way of doing well, which I am heartily

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> The assignation to Captain Elphinstone is dated the      day of      1768, and regis-

tered in the Books of Session      June, same year. [Registered trust-disposition, in which the assignation is mentioned, dated 1st January and 1st February 1771, *ibid.*]

glad of, and wish you joy, tho' I could rather have wished it had been a son ; however, I hope he'll make his appearance next time.

"Now, dear Jack, as your family is increasing, don't you think you should try to get into the army again. I don't mean to come in a captain again, but I think if you could advance the money for a majority, your friends would scarcely deserve that name if they did not get you leave to purchase. And if money is the objection (as I know you have some), if you and I were together, I am sure we might fall upon ways and means to raise it.

"Consider, in the army what a loss the loss of time is, and that every day you spend while you are out is lost time. Fortune is a coy mistress and must be courted, and closely too. She seldom forces herself upon anybody. I shall not insist further on this subject ; and if you do not think I am right, at least impute my mentioning it to the true cause, the love I bear you and family. However, Bob Laurie is a strong instance of what I say. In a month's time he'll be eldest captain in his regiment.

"Write me how you approve of what I advise. I wish you may determine to come up here. Give my love to all at Cumbernauld, and believe me, your affectionate brother,

WM. ELPHINSTON.

"London, February 10th.

"To Captain Elphinstone, at Cumbernauld, by Falkirk, Scotland."<sup>1</sup>

Captain Elphinstone appears ultimately to have become captain in a regiment of Foot Invalids, and his brother's advice may have had some weight with him to influence him to this.

The remarkable friendship and interest evinced by the Earl Marischal for the Elphinstone family, and the assistance he rendered them from time to time, deserve to be specially noticed here.

On 13th September 1769 the Earl Marischal made a disposition at Berlin in favour of Captain John Elphinstone, in the following terms:—

"I, George Keith, late Earl Marischal of Scotland, considering that for the regard and affection I have and bear to Captain John Elphinstone, Captain William and Mr. George Keith Elphinstons, Mrs. Mary, Eleonora, Primrose, and Clementina Elphinstons, my grandnephews and nieces, the sons and daughters presently existing of the marriage between Charles Elphinston, Esquire, and Lady Clementina Fleming, my niece,

<sup>1</sup> Original letter in Elphinstone charter-chest.

daughter of the deceased John, Earl of Wigton ; I have sufficiently provided the whole of my said grand nephews and nieces by giving to each of them a part of my means and effects, except the said Captain John Elphinston, the eldest son, and whom I am now resolved to provide by granting to him these presents in manner aftermentioned," etc.

The Earl died at Potsdam on 28th May 1778. His testament-dative and inventory were given up by Captain Elphinstone as the only executor-dative *qua* creditor decerned to the late Earl. The testament-dative narrates the chief points of the disposition. The inventory, which shows what Captain John Elphinstone actually received from the Earl under his disposition, is brief, but to the point. It includes the sum of £3000 sterling, as the balance due by Alexander Keith of Ravelston, and Alexander Keith, W.S., his son, to the late George Keith on their accounts as commissioners for him at his death. It also includes £2000 as the balance due by Robert Bruce, factor for the deceased on his estate of Kintore, on account of his intrusions with the rents of Kintore. The two sums now mentioned amount in all to £5000 sterling.<sup>1</sup>

While stating the extent to which Captain Elphinstone was benefited by his kinsman the Earl Marischal, however, there remains to be added to the sum now named an assignation to another sum of money received from him a year before his lordship's death. King George the Third, in virtue of an act of parliament, gave the Earl a grant of over £3600, with interest thereon from Whitsunday 1721, out of such parts of the price of his estates as still remained due to the public.<sup>2</sup> The sum to which he was entitled under this grant at the date of the assignation was £10,651, 5s. 10d., and interest from 11th August 1764, until payment was made to him. His right to this money, the Earl in his assignation, subscribed by him at Potsdam in Prussia on 17th August 1771, assigned to Captain John Elphinstone as above stated. But as this sum was made over to the captain subject to the settling of all

<sup>1</sup> Edinburgh Commissariat-Testaments, vol. 125, pt. i., in H.M. General Register House, Edinburgh.

<sup>2</sup> Original grant under the seal of the Court of Exchequer in Scotland, dated 21st May 1761, in Elphinstone charter-chest.

legal claims affecting it, the actual amount which he received, in the absence of a formal discharge in the Elphinstone collections, has not been ascertained.<sup>1</sup>

Charles, tenth Lord Elphinstone, survived the Earl Marischal by a few years, and died on 6th April 1781. Captain John Elphinstone, as his eldest son, succeeded him in the Elphinstone peerage, and became eleventh Lord Elphinstone. As eldest son of his father, and in view of being served heir to him, John, now Lord Elphinstone, on 2nd April 1782, gave up to the sheriff-depute of Dumbartonshire, for registration in the sheriff-court books, an inventory of the heritable estate within that shire, belonging to his father at his death. The estate included the lands or mailing of Easter Fannyside, bounded as therein set forth, also the lands called the Rigg or Wester Fannyside, and the tithes of those lands, all as described and limited by the exceptions, conditions and reservations therein stated. His lordship reserved right to add to the inventory any other heritable subjects which might accrue to him as heir to his father. The inventory was registered in the books of Council and Session on 27th April 1782.<sup>2</sup>

On 4th September 1781, Captain John, Lord Elphinstone, of the Invalids, was appointed Lieutenant-Governor of Edinburgh Castle, in place of John Wemyss.<sup>3</sup> This position he continued to hold till his death, or for thirteen years. The modest salary attached to it was £182, 10s. a year.<sup>4</sup> In 1784, Lord Elphinstone was elected a representative peer for Scotland. He was subsequently, in 1790, re-elected, and he still held that honour when he died in 1794.

The house which his lordship occupied in Edinburgh, was Kirkbraehead House, near St. Cuthbert's church.<sup>5</sup>

Four years after his father's death, or in 1785, Lord Elphinstone was one

<sup>1</sup> Assignment in Register of Deeds, Durie Office, vol. 237, pt. i.

<sup>2</sup> Extract inventory in the Elphinstone charter-chest.

<sup>3</sup> The Scots Magazine, vol. xliii. p. 559.

<sup>4</sup> Old and New Edinburgh, by James Grant, vol. ii. p. 136.

<sup>5</sup> *Ibid.*

of the principal parties to a lengthy family agreement entered into between Lady Clementina Fleming of Biggar and Cumbernauld, on the one part, the Right Honourable John, Lord Elphinstone, her eldest son, and the Honourable William Elphinstone, her second son, upon the second part, and John, Lord Elphinstone, on the third part.

The agreement arose out of the trust disposition of 1771, already described, the terms of which, and of a discharge, dated 31st March 1781, granted by Charles Lord Elphinstone and Lady Clementina Fleming it narrates. This discharge shows that John Elphinstone and William Elphinstone alone acted under the trust-disposition. William had no intrusions with the rents and estates, or with any of the subjects conveyed in the disposition. John only had intrusions with these. A settlement of his intrusions was made on 10th June 1779, by which time the accounts calling for the trust had been paid. Lord Elphinstone and Lady Clementina being satisfied with the whole transactions of their trustees, ratified these and discharged them.

Both the narrative prefixed to the agreement, and the details of the agreement itself, are long, and include many business transactions, chiefly between Charles Lord Elphinstone, Lady Clementina, and John and William their two sons. These have little interest now, and are therefore unnecessary to be described.

The general scope of the agreement was to grant to John, Lord Elphinstone, and to William Elphinstone, his brother, a full discharge for their management of her Wigton estates, with which Lady Clementina declared herself highly satisfied. It also, setting aside all previous arrangements, disposed to Lord Elphinstone and his heirs, during her ladyship's lifetime, the rents and duties of her earldom of Wigton, lordship and baronies of Biggar and Cumbernauld, and baronies of South Herbertshire, Temple Denny and others. It further disposed to him her ladyship's debts due to her, money and other movable and personal effects, except the plate, furniture and other

articles in her house in George Street. These, and large powers in regard to estate matters, were conveyed to Lord Elphinstone, under certain obligations which the agreement imposed upon him, including the payment of an annuity of £800 to Lady Clementina, and of considerable sums to others.

The parties to the agreement bound themselves severally to implement the obligations resting upon them, under the penalty of £100, to be paid by the party failing to the party observing, over and above performance. They also consented to the registration of the agreement, which was subscribed at Edinburgh, by Lady Clementina Fleming and John Lord Elphinstone, on 10th February 1785, and by William Elphinstone at London on 29th June 1785.<sup>1</sup>

A few months before his death, or in May 1794, Lord Elphinstone received an invitation to the funeral of the seventh Earl of Haddington, as a cousin german of Lady Haddington. The Earl of Haddington who issued the invitations objected "to others of her relations or clanjamfr."<sup>2</sup>

Lord Elphinstone and his mother, Lady Clementina Fleming, about this time had their pedigree prepared and ingrossed in the records of the College of Arms, London. The occasion of their doing so appears to have been the conferring of the Order of the Bath, on 30th May 1794, upon Sir George Keith Elphinstone, the fourth son of Charles, tenth Lord Elphinstone, and Lady Clementina, his wife. The pedigree of his lordship begins with John, eighth Lord Elphinstone, and that of her ladyship with William, fifth Earl of Wigton, and is brought down to Margaret Mercer Elphinstone, the only child at the time of Sir George Keith Elphinstone. The record of the College of Arms contains the following certification of the pedigree by Lord Elphinstone and his mother:—"The above pedigree is true to the best of our knowledge and belief. (Signed) ELPHINSTONE. (Signed) CLEMENTINA FLEMING ELPHINSTONE." It also contains the additional certification by Sir Isaac Heard, the Garter of that date—"Examined with the

<sup>1</sup> Extract registered agreement, in Elphinstone charter-chest.

<sup>2</sup> Memorials of the Earls of Haddington, vol. i. p. 282.

original. (Signed) ISAAC HEARD, Garter." An official extract of this registered pedigree, granted in 1861, and preserved in the Elphinstone charter collections, is authenticated as follows:—"Extracted from the Record of the College of Arms, London, and examined therewith this second day of November 1861. ALBERT W. WOODS, Lancaster Herald."

John, eleventh Lord Elphinstone, died at Cumbernauld House on 19th August 1794,<sup>1</sup> and his remains were interred in the Wigton family aisle at Biggar.<sup>2</sup> The Wigton estates under his management were considerably improved. He was estimated to have increased their rental from about £1250 to £2220.<sup>3</sup>

Inventories of his furniture, etc., at Edinburgh Castle, prepared after his death, are preserved in the Elphinstone collections.<sup>4</sup>

Anne Ruthven, the dowager Lady Elphinstone, survived her husband seven years. As Lord Elphinstone died without leaving any deed of settlement, his movable estate fell to be divided between his younger children and his widow. An arrangement, however, was come to, that in consideration of John, now twelfth Lord Elphinstone, having granted to his sisters a bond of annuity, he should retain all arrears of rent of his father's estate as well as the year's rent then current. It was further agreed that Anne, Lady Elphinstone, should give up certain rights on receiving a bond of annuity from her son. Lord Elphinstone further relieved his mother and sisters of all debts, etc., due by their father.<sup>5</sup>

<sup>1</sup> Birthday Book in Elphinstone charter-chest; also The Scots Magazine, vol. lvi. p. 512.

<sup>2</sup> Birthday Book in Elphinstone charter-chest.

<sup>3</sup> Letter to John, twelfth Lord Elphinstone, from his law agent, 17th May 1795, *ibid.*

<sup>4</sup> Inventories, *ibid.* His lordship's house in Edinburgh Castle, according to these inventories, included a laundry, washing house, kitchen, housekeeper's room, servants' hall,

house pantry, "low celler for meat and a gantry," parlour, dining room, "my lord's room off dining-room," "my lord's dressing-room," "first bedroom upstairs," drawing-room, "my ladies' bedroom," "my ladies' dressing-room," school-room, "Mr. Elphinstone's room," nursery, library, and stable.

<sup>5</sup> Extract registered contract at Cumbernauld and Edinburgh, dated 1st and 6th January 1796, in Elphinstone charter-chest.

Anne Ruthven, Lady Elphinstone, survived her husband for seven years, and died at Cumbernauld House on 28th October 1801.<sup>1</sup>

John, eleventh Lord Elphinstone, and Anne, Lady Elphinstone, his wife, had issue four sons and four daughters:—

1. John, who became twelfth Lord Elphinstone. Of him a memoir follows.
2. Charles Elphinstone, afterwards Admiral the Honourable Charles Elphinstone Fleming of Cumbernauld and Biggar. He was born at Cumbernauld House in June 1774.<sup>2</sup> Entering the navy in early youth, his promotion was rapid, so that by 1794, and while still but twenty years of age, he had attained to the rank of Captain. In the earlier part of his naval career he was actively employed in operations against the French, and in the year 1797 had a narrow escape with his life. While in command of a frigate, the *Tartar*, which was engaged cutting out some valuable trading ships from under the guns of a French battery at San Domingo, the frigate was lost by striking on a rock, but the crew were fortunately saved. On the renewal of hostilities in 1803 he was in command of another frigate, the *Egyptienne*, in which he made several important captures, and formed one of Sir Robert Calder's fleet in the action with the French and Spanish squadrons in July 1805. He afterwards received command of the *Bulwark*, a 74-gun ship, which was employed in the Mediterranean.

On 12th August 1812 Captain Elphinstone was made a Colonel of the Royal Marines,<sup>3</sup> and at the end of the following year he was further promoted by being raised to the rank of Rear-Admiral. Towards the close of his life his long and able services in the navy were still further rewarded by his appointment to the important and honourable position of Governor of Greenwich Hospital.

On the elevation of his uncle, George Keith Elphinstone, to the peerage as Lord Keith, he was chosen his successor as Member of Parliament for the shire of Stirling in 1802, and re-chosen at the general election that year, and again in 1806 and 1807.

By the entail of John, sixth Earl of Wigton, in 1741, it was provided that the estates of Wigton, on failure of heirs-male of his own body and of his brother Charles, should go to the heirs-female of his body; but with

<sup>1</sup> Birthday Book, in Elphinstone charter-chest: *The Scots Magazine*, vol. lxiii. p. 800.

<sup>2</sup> Letter of John Johnston, minister at Biggar, 23rd June 1774, *supra*, p. 297.

<sup>3</sup> *Scots Magazine*, vol. lxxiv. p. 725.

the condition that the heir so succeeding should be bound to assume the title, name, and arms of "Baron Fleming," and no other; and if any such other heir should have a right to succeed to the estates of Cumbernauld and Biggar, and should also succeed to another peerage, he should be bound to give up these estates, and they should go to the next heir, who should assume the name of Fleming. By this entail, on his elder brother John becoming twelfth Lord Elphinstone in 1794, Charles Elphinstone became entitled to succeed to the Cumbernauld and Biggar estates. As his claim was questioned by his elder brother John, Lord Elphinstone, a litigation took place. By a judgment of the Court of Session on 19th January 1804, it was found that the estates descended to Charles, the second brother, in terms of the entail. On appeal, that finding was confirmed by the House of Lords. Charles Elphinstone thereupon assumed the surname of Fleming, and was subsequently known as the Honourable Charles Elphinstone Fleming of Cumbernauld and Biggar.

Under the terms of an Act of Parliament in 1826, he was authorised, at the sight of the Lords of Session, to sell those portions of the Wigton estates known as Biggar and Boghall, to discharge the encumbrances affecting them.

On 12th November 1830, the Honourable Charles Fleming, Vice-Admiral, was retoured by an inquest before the Sheriff of Dumbartonshire, as heir to his brother, the late Honourable James Ruthven Elphinstone, in the lands of Craighlane, Smithstone, and others, in the parish of Cumbernauld and shire of Dumbarton, being part of the earldom of Wigton.<sup>1</sup>

Admiral Charles Elphinstone Fleming died on the 30th of October 1840 at the age of threescore and six years. By his marriage, in 1816, with Donna Catalina Paulina Alessandro, a Spanish lady, he had issue one son and three daughters:—

1. John Elphinstone Fleming of Cumbernauld. On the death of John, thirteenth Lord Elphinstone, on 19th July 1860, John Elphinstone Fleming, as the next heir-male of the Elphinstone family, inherited the title of LORD ELPHINSTONE in the peerage of Scotland, and became fourteenth Lord Elphinstone. He had held the entailed estate of Cumbernauld for the previous twenty years, or since his father's death in 1840. Born at Cumbernauld House on 11th December 1819, he entered the army, instead of the navy in which his father and grand-

<sup>1</sup> Official Extract Retour, in Elphinstone charter-chest.

uncle had been so conspicuous. After serving for a time in the 17th Regiment of Lancers, he rose to the rank of Lieutenant-Colonel. An attempt was made by him, or by those deriving right from him, to revive the claim to the estate of Cumbernauld, and after a litigation in the Court of Session, and appeal to the House of Lords, it was found that he had no right to the rents of this estate after his assumption of the peerage of Elphinstone. It was also found that a trust-deed executed by him which purported to transfer the right to the estate of Cumbernauld, to a donee unconnected with the family, was invalid. By the will of his cousin, the thirteenth Lord Elphinstone, dated 18th July 1860, John Fleming, as heir to him in the title and dignity of Baron Elphinstone, was provided to an annuity of one thousand pounds as an alimentary provision for the support of that dignity. After holding the title of Lord Elphinstone for the brief period of six months, his lordship, dying unmarried on 13th January 1861 at Bournemouth, was succeeded in the peerage of Elphinstone by his cousin, William Buller Fullerton Elphinstone of Elphinstone and Carberry, as FIFTEENTH LORD ELPHINSTONE, whose descent is shown in the Elphinstone Carberry line in the second volume of this work.

II. Clementina Elphinstone, the sister of John Fleming, fourteenth Lord Elphinstone, was married on 24th March 1845, to Cornwallis Maude, Viscount Hawarden. Being the next heir of entail to Cumbernauld, she succeeded to that estate on the death of her brother in 1861, and made up feudal titles in her person.<sup>1</sup> She died on 19th January 1865, and was succeeded by her eldest son, Cornwallis Maude, who was served heir to her in Cumbernauld in 1867.<sup>2</sup> He assumed the name of Fleming for that estate, and made up feudal titles as heir of entail. Ascertaining that, under the then recent Acts of Parliament in favour of entail proprietors, he was entitled to hold the estate in fee-simple, and to dispose of it, he sold it to John William Burns of Kilmahew, thus terminating all connection of the Fleming family with the ancient inheritance of Cumbernauld.

III. Mary Keith, married, 20th April 1843, to Alexander Macalister, Esq. of Torriedale; secondly to Morgan Lloyd, Esq. She died 11th March 1859.

IV. Anne Elizabeth, married 12th June 1851, to William Cunninghame

<sup>1</sup> Retours to Chancery at date.

<sup>2</sup> *Ibid.*

Bontine, Esq. of Ardoch, who died 1883. On 12th October 1860, by royal licence, she received the rank and precedence of a Baron's daughter.

3. James Ruthven Elphinstone. He was born in the year 1776, and was named after his maternal grandfather, James Ruthven, Lord Ruthven. He entered early the Civil Service of the East India Company. He was sent to India, and arrived at Calcutta in 1791. He was in their service at Poonah in 1811 and 1813, at Giga, in the province of Berar, in the Deccan, in 1812, at Bombay in 1820, and at Alipoor and Barrackpore in 1823. Being afterwards in bad health, he arranged to return from India. During his voyage home, however, he became so weak that he was landed at St. Helena, on 25th July 1828. He died there without issue on 1st August of that year. He was buried at St. Helena, where a monument was subsequently erected to him by his brother, Mountstuart Elphinstone.<sup>1</sup>

4. Mountstuart Elphinstone, Governor of Bombay. Of him a memoir follows.

1. Anne Stuart Elphinstone, who died unmarried in 1832.

2. Clementina Fleming, who died unmarried in 1821.

3. Elizabeth Mackenzie, who died unmarried on 8th December 1840.

4. Keith Elphinstone, named after Keith, Earl Marischal, her great-grand-uncle.

She was married at Cumbernauld House on 4th September 1803 to David Erskine of Cardross, Perthshire. There was issue of the marriage six sons :—1. James, born 21st August 1804. He married Mary, daughter of Lieutenant-General Fagan, and had issue ; their eldest son, Henry David Erskine of Cardross, is a J.P. and D.L. for the counties of Perth and Stirling, and Sergeant-at-Arms attending the House of Commons. He married, in 1861, Lady Horatia Elizabeth Seymour, second daughter of Francis Hugh, fifth Marquis of Hertford. The second son of the late James Erskine of Cardross is Vice-Admiral James Elphinstone Erskine of Venlaw, Peebleshire. 2. John Elphinstone, born 13th July 1806. 3. Charles, born 4th March 1808. 4. George Keith, born February 1809. 5. Hay Macdowal, born 28th July 1810. 6. William David, born 12th May 1813.<sup>2</sup> Mrs. Keith Erskine of Cardross died on 4th August 1841.



<sup>1</sup> Original letters, in Elphinstone charter-chest.

<sup>2</sup> Birthday Book, *ibid.*





sports and escapades than to apply himself seriously to his books—a complete contrast to the careful and studious statesman of after years.<sup>1</sup>

In one of his juvenile letters to his mother, young Mountstuart appears in the capacity of a poet. We venture to quote the letter here as a homely passage in the youth of a great man, especially as so little has been written of his boyhood, and as this introduces him in a hitherto undescribed capacity. The rhythm will be recognised as that of many of Cowper's well-known pieces, and we may infer that young Elphinstone had his poetic instincts stimulated at the time by the perusal of that author. He writes as follows:—

“Drummond Castle, December 30th.

“My dear Mama, I wrote you long ago,  
 And very sorry was, when I did know,  
 At York, my letter you did not receive,  
 For which I truly very much did grieve.  
 Castle Drummond is a pretty place,  
 The rooms are hung with all the ancient race.  
 We from our window have a lovely view,  
 Which, had I time, I would describe to you.  
 My sisters both are in good health, but I  
 Have had a toothach which did make me cry.  
 I'll write to Bishop, and to Coby too.  
 Does Keith like London? How does Nany do?  
 Peepy is well, and dances charmingly,  
 Light as the bird that in the air doth fly.  
 Her compliments does Mrs. Drummond send,  
 And Mr. Forman too; and so I end,  
 Assuring you, that I am still your own  
 Affectionate son, Mountstuart Elphinstone.”<sup>2</sup>

Attic Story, No. 30th, Grub Street.

The youthful poet was then on his school holidays with his relatives at Drummond Castle. He was probably at the time about twelve or thirteen years of age, and seems to have been for the moment inspired by the attractions on the summit of the rock of Concraig, on which the first Lord Drummond erected his castle after his own name, and where his sable robes as Justiciar north of the Forth are still preserved along with the black cap which is still requisitioned when the capital sentence has to be pronounced by the Lord Justiciar at the present day.

In 1795, and while yet but sixteen years of age, he sailed for India, where he joined his brother James, who had gone there two years previously in the service

<sup>1</sup> Life of Mountstuart Elphinstone, pp. 5, 6.

<sup>2</sup> Letter, Mountstuart Elphinstone to his mother, the Lady Elphinstone, in Elphinstone charter-chest.

of the East India Company. The meeting of the two brothers was a very affectionate one, as is witnessed by a letter on the subject sent home by James to their mother, which gives a most glowing account of young Mountstuart:—

“Calcutta, April 22, 1796.

“My dearest mother will, before this reaches her, have heard of the safe arrival of Mountstuart in Bengal. I came here a few days ago and found him in perfect health, and I really think by far the finest young man I ever saw. He is still the same affectionate, good-hearted creature as when I left him, but so much improved that I did not know him. He has one of the sweetest tempers I ever knew, and is a very great favourite with everybody who knows him. I am delighted to think we are to be together, as Sir John Shore was so good as to appoint him to Benares, where I am. I am so much taken up about him, and so proud of him, that I really cannot write, and I am sure that this epistle will be full of nonsense. From the manner in which my sisters wrote of Mount, I had formed quite a different idea of him, till I was most agreeably surprised to find what he is. I think I see you, my much-loved mother, when you receive this. What unspeakable happiness will it be to you to hear that he is safe arrived in perfect health, and much pleased with his situation! . . . Adieu, my ever-dear mother. I need only add that we are in perfect health, and I remain ever your most affectionate and dutiful son,

“JAMES RUTHVEN ELPHINSTONE.”<sup>1</sup>

What a picture of the domestic comfort and agreement of this Elphinstone family is here unveiled, and even allowing for the affection of a brother and the enthusiasm of meeting in a foreign land after two years' separation, it is very evident that Mountstuart Elphinstone was a youth of exceptional qualities and amiability.

Though he was at once placed in business on his arrival in India, he found time to some extent to follow his literary inclinations by entering on a course of wide systematic reading, and commencing the study of Greek, forming in this uncongenial situation those studious habits which he afterwards maintained throughout life.<sup>2</sup> In 1801 he entered the diplomatic service, and joined General Wellesley's camp as his secretary in 1803, taking part in the battle of Assaye on 17th September of that year, and also of Gawilghur, where, as secretary, he was closely associated with the renowned general. For his services in this campaign Mountstuart received a letter from the hand of the general intimating his right to a captain's share of the prize-money and gratuity, and conferring with him on some private details of the engagements.

A passing reference to the Indian services of Mountstuart Elphinstone is all that is here required, as these have been so fully detailed in the excellent memoir by Sir Edward Colebrooke, Bart. His time not being fully taken up by his official duties, he was able to apply himself to the study of the country and people surrounding him, on which subject he made extensive notes and observa-

<sup>1</sup> Letter quoted in *Life of M. Elphinstone*, p. 12.

<sup>2</sup> *Ibid.* pp. 15, 16.

tions, which he intended for future publication. He interested himself especially in the Afghans, and after collecting a large amount of valuable information respecting them, he submitted his publication to the world in 1814.

He was an omnivorous reader and a most prolific writer, being engaged in constant correspondence with his friends and brother officers, and keeping a detailed journal of his daily life. His correspondence with Mr. Edward Strachey, the secretary of the East India Company, would alone fill a fair-sized volume.

Even his unremitting and careful attention to business and the ardent pursuit of his local investigations did not prevent him from keeping himself well informed as to the great political events at that time transpiring in Europe and throughout the world generally. On 27th April 1816 he wrote to his uncle, Lord Keith, as follows :—

“I read the newspaper accounts of your intercourse with Bonaparte with the greatest interest. . . . You were fortunate in being able to have so close a view of so eminent a person in so trying a crisis. I could almost give up the pleasure I promise myself in going home overland (when I do go), if I was sure that by going by sea I should have a view of Bonaparte, even in the calm of his retirement at St. Helena. Not that I admire anything about him but his talents.”<sup>1</sup>

In his home letters, while ever solicitous for the welfare of his friends, and eager for any news from the scenes of his boyhood, he speaks with enthusiastic interest of the country which had now become his home. In a letter to Lady Hood, in reference to the publication of a work on India, he writes :—“The mosques, the minarets, tombs, and gardens of so many Mohammedan cities, the marble courts of the palace of the Moguls, peopled with the recollections of former times, and surrounded with the remains of fallen greatness, could not but affect the imagination, even if in ordinary hands.”

The energy which Mountstuart displayed in the diplomatic service, and the high esteem in which his services were held, are shown by the complimentary terms in which Mr. Canning referred to him, on moving a vote of thanks to Lord Hastings and the army at the conclusion of the war. He says :—“Mr. Elphinstone (a name distinguished in the literature as well as in the politics of the East) exhibited, on that trying occasion, military courage and skill which, though valuable accessories to diplomatic talents, we are not entitled to require as necessary qualifications for civil employment.”<sup>2</sup>

In 1819 the Government showed its appreciation of the talents and ability of Mr. Elphinstone by appointing him to the Governorship of Bombay, even in preference to such an old and trusted servant as Sir John Malcolm. This was done on the recommendation especially of Mr. Canning and the Marquis of Hastings, the latter of whom wrote a most complimentary letter to Mr. Elphinstone on the subject.<sup>3</sup> He held this appointment for the space of eight years, and

<sup>1</sup> Letter quoted in *Life of Mountstuart Elphinstone*, p. 316.

<sup>2</sup> Letter, *ibid.* p. 386.

<sup>3</sup> Letter, *ibid.* vol. ii. p. 100.

under his administration the country enjoyed a period of most grateful peace after its recent perturbed condition. His enjoyment of this post was unclouded, save, as he remarks, for one disturbing element, viz., his rooted aversion to making speeches—a curious trait to occur in such an able author. Of this he writes:—“What I dread, detest, and abhor, to a degree I fancy never was equalled, is making speeches, and ceremonies of that nature.” While Governor of Bombay, Mountstuart Elphinstone set himself to the commendable task of improving the education of the natives by the establishment of schools for instruction both in English and the vernacular, in the face of many difficulties.

About 1825 Mr. Elphinstone was visited at Bombay by a literary and accomplished traveller, Bishop Heber, who gives the following unique testimonial to him:—“Mr. Elphinstone is, in every respect, an extraordinary man, possessing great activity of body and mind, remarkable talent for, and application to public business, a love of literature, and a degree of almost universal information, such as I have met with in no other person similarly situated, and manners and conversation of the most amiable and interesting character.”<sup>1</sup> Many instances are recorded of his generous and unselfish deportment, even to the extent of giving up his official residence to a friend whose wife was an invalid.

In 1827, Mountstuart Elphinstone resigned his post as Governor of Bombay, amid overwhelming expressions of gratitude and admiration on all sides for the manner in which he had discharged his duties; and was presented with a mass of flattering testimonials such as is rarely accorded to any public functionary, including one by the natives of the Presidency, from the highest to the lowest. His portrait, by Sir Thomas Lawrence, was placed in the rooms of the Native Education Society; his statue, by Chantrey, was erected in the Town Hall; and the foundation was laid of the Elphinstone College, a sum of money being at the same time subscribed for the establishment of professorships to teach the natives the English language, and the arts, sciences, and literature of Europe.<sup>2</sup> With his retirement from the government of Bombay the public career of Mountstuart Elphinstone came to a close, and the remainder of his long life was spent in the pursuit of literature and travel, and the enjoyment of that society to which his birth, position, and attainments gave him a favoured entrée.

On his overland journey home from India he visited several of the European capitals, including Constantinople, Rome, and Paris, where he met the illustrious Talleyrand, then far advanced in years, and by whom he was much impressed. He arrived in England in 1829, being warmly welcomed not only by his friends, but by many of the leading figures of the day in politics and literature. Much persuasion was brought to bear on him by his relatives to enter parliament as member for the county of Lanark, but he steadfastly resisted all their entreaties on the ground of his aversion to public speaking, although he was hard pressed

<sup>1</sup> Letter quoted in *Life of M. Elphinstone*, vol. ii. pp. 169, 170.

<sup>2</sup> *Ibid.* p. 200.

to do so by the Duke of Hamilton and Sir James Graham. In this connection he writes:—

“This evening I dined at Mr. Adams with Mr. Brougham, Lord J. Russell, Sir J. Graham of Netherby, Mr. Kennedy, and James Loch. . . . Brougham was quite easy and unaffected, and told me some interesting things about the Queen’s trial. . . . Lord John is a hearty, pleasant man, quite unpretending, but not at all shy. I had a long conversation with Sir James Graham, as I had with the Duke of Hamilton in the forenoon about Lanarkshire. The offers to me are very pressing.”<sup>1</sup>

Among the many distinguished personages Mr. Elphinstone encountered in the course of his social engagements, he takes special notice of his meeting with his old master, the illustrious Duke of Wellington:—“A shout in the streets announced the Duke of Wellington, and presently he entered. He looked older, but much the same as in old times. The greatest change was in his softened and more courtly manner. I cannot describe the sensations produced in me by the sight of him. After some time I was told he was asking for me and I went up to him. He received me as he would have done formerly. . . . I feel none of the shyness with him that I do with ordinary great men. After dinner he made a speech, not flowing and easy like a practical speaker, but loud, distinct, and full of matter.”<sup>2</sup> On several other occasions he met the Duke at dinner, when reminiscences of their old life in India was usually the subject of their conversation, and Mr. Elphinstone was much impressed by the simple, unaffected frankness of the man who, as a soldier, conquered Napoleon Buonaparte, and, as a statesman, became prime minister of the nation.

Soon afterwards, Mountstuart Elphinstone set out for a tour in Scotland, visiting Edinburgh, Cumbernauld, Drummond Castle, and other scenes of his boyhood. His descriptions of Cumbernauld, and his ascent of the hill of Turlum, after an absence of five-and-thirty years, are so touching and so characteristic of the gentle and graceful style of the writer, that we cannot do better than present them in his own words, though we have already so often quoted from his facile pen:—

“I now consider my travels as completed, having returned to the place from whence I set out after an absence of thirty-five years. . . . I went down to the Vault Glen, the beauty of which surpasses all my impressions. Many a tranquil summer’s evening work I remember there. . . . I went through the whole house with many strange sensations and strong impressions of old times . . . so that I saw in full perfection these earliest and dearest haunts of my childhood, and enjoyed what I never shall again, the recollection of the days of my father and mother, unmixed with more recent associations.” Of Drummond Castle he writes:—“Around are woods now in the utmost beauty from the indescribable beauty of the autumn tints, and distributed

<sup>1</sup> Letter quoted in Life of M. Elphinstone, vol. ii. pp. 274, 275.

<sup>2</sup> Letter, *ibid.* pp. 277, 278.

over the slopes and steep hills with the finest possible effect. Water, rocks, and distant plains come in to great advantage, and a high chain of brown and purple mountains runs round a great part of the picture. . . . Since writing the above I have been enjoying the scenery on the top of the hill of Turlum, and admiring the fine beeches in the park. I have never seen such fine trees in England, though I have seen finer tamarind and peepul trees. . . . These vivid recollections of old times and other pleasing thoughts that I often enjoy on my solitary walks, together with the pleasure of reading, are a full indemnity to me for the want of fitness to enjoy society."<sup>1</sup>

One cannot wonder that Mr. Elphinstone described the society of Edinburgh as more literary than that of London, when the names of Sir Walter Scott, Lord Jeffrey, Jardine, Napier, Cockburn, and others, appear among those he met at various social entertainments. He describes Scott at his first meeting with him as "tall, with a round face and grey eyes, very like his pictures, with great goodness in his expression and manner, but no genius. He is mild, quiet, and rather slow in speaking, and has a very Scotch accent."<sup>2</sup> At Blair-Adam Mr. Elphinstone first met Jeffrey and Cockburn, the former of whom he describes as "more striking for his gaiety and good humour than for his wit. Those who have known him longest say they never heard him say an ill-natured thing." His account of Dr. Chalmers is somewhat remarkable:—"The doctor's figure, manner, voice, and accent are abominable, but his sermon was full of good sense and good feeling, with much imagination and beautiful language."<sup>3</sup>

At the first levee of King William the Fourth, Mountstuart Elphinstone was presented to the King, and on his name being called out by the Lord-in-waiting, his Majesty exclaimed:—"Oh, to be sure, a person I have been very desirous to see.—I must have some private conversation with you; I hope I shall see you often." Mr. Elphinstone, in his diary, gives an interesting account of a select club dinner on the 8th of March 1831, where the company included Lord Spencer, Mr. Marsden, the Bishop of London, Sir J. Mackintosh, and Lord Chancellor Brougham. The chancellor had evidently been in a confidential mood, and the conversation turning on orators and oratory, he stated his own practice of composing his speeches in his head, and polishing and connecting them without committing them to paper, as if he wrote them he would be sure to forget them. Pitt also composed in this way, walking about for hours at a time drinking port and water. Lord Grauville's custom was to write his speeches out to arrange his ideas, but never looked at the MS. again. He speaks with admiration of the versatility of Brougham, who could converse fluently on all manner of subjects from politics to poetry.<sup>4</sup>

On 11th April 1831 Mr. Elphinstone was made a member of the Dilettanti Club, the introduction being accompanied by various curious rites and ceremonies, which he details in his diary.<sup>5</sup> Soon afterwards he visited the field of Waterloo,

<sup>1</sup> Life of Mountstuart Elphinstone, vol. ii. pp. 281-286.

<sup>2</sup> Diary, *ibid.* pp. 287, 288.

<sup>3</sup> Diary, *ibid.* p. 293.

<sup>4</sup> Diary, *ibid.* pp. 299, 300.

<sup>5</sup> *Ibid.* p. 301.

the scene of the triumph of his old general and now familiar friend, the Duke of Wellington.

On his return to London next year he went four nights to parliament to hear the reading of the Irish Disturbance Bill. After a somewhat feeble opening of the debate by Lord Althorpe, Mr. Stanley came to the rescue with a most able and decided speech, in which his eloquence and surpassing powers of oratory fairly carried away the House, and gained for him the enthusiastic approval of his audience. Waxing more confident, he finished up by a most scathing attack on O'Connell, whom he accused of having called the House "six hundred scoundrels," which O'Connell called out he would explain. On rising at length amid the impatient calls of the members, poor O'Connell became so confused, that his lame and ludicrous attempts at explanation were received with a deafening burst of laughter, under cover of which he resumed his seat amid strong expressions of reproach on all sides. Describing another speech of O'Connell's a few days later, Mr. Elphinstone says of him :—"The great expectation that was entertained, the attention with which he was listened to, the situation in which he stood, as in a manner the leader of his nation, and as singly opposed to almost all his auditors, the bold strain of invective against the whole British nation with which his speech began, all seemed likely to animate him, and disposed one to give full effect to anything he might say."<sup>1</sup>

In 1834 Mountstuart Elphinstone had the degree of D.C.L. conferred upon him by the University of Oxford in virtue of his distinguished services to literature and history. On the occasion of his receiving this honour, the Duke of Wellington wrote to him as follows, describing with characteristic modesty his own share, as chancellor, in the procuring of it, on the ground of his old friendship with Mr. Elphinstone:—

"London, June 8th, 1834.

"MY DEAR SIR,—As the honour is to be conferred upon you by the University, I did not like to assume to myself the merit of it. But I hope that you give me credit for recollecting our old relations; and that you believe that I could not be in a situation to exercise an influence over the decisions of a Learned Body which had the power of conferring such an honour without drawing its attention to one on every ground so well deserving of it as you are. I flatter myself this note will be quite satisfactory to you, and that you will believe me, ever yours most sincerely, WELLINGTON."<sup>2</sup>

"The Honble. Mountstuart Elphinstone."

We give this letter in full both on account of its intrinsic merit and interest, and also because it does not appear in Sir Edward Colebrooke's work, and seems to have been overlooked by him; indeed, he does not make any mention of the fact that Mr. Elphinstone received the honorary degree of D.C.L. at all. In that

<sup>1</sup> Journal in Life of M. Elphinstone, vol. ii. pp. 327-330.

<sup>2</sup> Letter, Duke of Wellington to Mr. Elphinstone, in Elphinstone charter-chest.

London June 8 1834

My Dear Sir  
As the Honour is the conferred  
upon you by the University I  
did not like to assume to myself  
the merit of it; but I hope that  
you will give me credit for recollecting  
our old relations; and that you  
will believe that I would not be in  
a situation to exercise an  
influence over the opinions of a  
learned Body which had the  
power of conferring such an  
honour without drawing its  
attention to one or every person  
so well deserving of it as you are.

I flatter myself this note  
will be quite satisfactory for  
and that you will be here we  
have your most sincere  
Belongings

We have seen  
Montreal & Philadelphia

year also Mountstuart Elphinstone received the magnificent offer of Governor-Generalship of India, but was obliged to decline it on account of his impaired health, and also as he wished to devote as much time as possible to the writing of his History of India. On this monumental work he now concentrated his energies, receiving much friendly assistance from Mr. Erskine, but its progress was considerably hampered by his failing health and by the death of several of his near relatives occurring about this time. In spite of these difficulties, however, he fought on with his task, and brought the work to such a state of perfection, that it ere long became a standard book for those preparing for the Indian Civil Service, and in the universities of India, and still remains a valuable work of reference to those interested in the early history of our Indian empire.

The modest and retiring disposition of Mountstuart Elphinstone, however, combined with his somewhat impaired state of health, caused him many times to waver as to the completion and especially as to the publication of his work; and if it had not been for the friendly encouragement and stimulation he received from such men as Lord Jeffrey, it is a question whether it would ever have reached publication.<sup>1</sup> In one of his admirable letters on the subject Lord Jeffrey writes to him in the following urgent and encouraging terms:—

“MY DEAR MR. ELPHINSTONE,—You will not perhaps believe me when I tell you that the main object of the two unsuccessful calls I have made on you, since you first mentioned your project of an Indian History, *was to urge you to proceed*, and to publish: But the fact assuredly is so, and you may judge, therefore, with how much satisfaction I received your note of this morning, and how gladly I shall undertake the agreeable task you propose to me, of looking over a part of your manuscript. My judgment upon such a subject is probably worth very little—but such as it is, you shall have it candidly. I have a strong impression that I shall think you wrong in the low estimate you are inclined to make of the interest of what you have done, and I am *sure* you are mistaken in supposing that there is at this time any deadness or want of curiosity on the part of the public, either as to historical enquiries generally, or as to what relates to the great regions of the east. On the contrary, I think there is now a great revival of the interest that used to be taken in such subjects, and that there has been no period in my recollection, when the value and merit of such discussions was so sure to be perceived and acknowledged. Few large books have succeeded so well as Mill's British India, and if you can give us (as I believe you can) a more exact, more candid, and more curious and spirited work, on the same subject (comprised too, *if possible*, in somewhat smaller limits) I think I can answer for your success being still more decided. But of this hereafter. As to the time when I should like to have the MS. there is no time like *the present*. I really have some impatience to be in upon you, and *I ought* at least to have rather more leisure while I am here, than during the term at Edinburgh. But I am going for a quiet week to Hayleybury, upon the 4th or

<sup>1</sup> Correspondence between Lord Jeffrey and Mountstuart Elphinstone, in Elphinstone charter-chest.

5th of May, and there the genius of the place and the song of the Bulbuls will make the study doubly delightful. . . . If you will send me the precious books now, I shall at all events give the work a beginning before going to Hertfordshire, and hope even to have the benefit of a little talk with you, as to the course of my farther reading. In the meantime, I congratulate you on your virtue and future fame, and the public on the benefaction which awaits it.—Ever your obliged faithful,  
F. JEFFREY.”<sup>1</sup>

In another letter written shortly afterwards, on perusal of some of the MS., he says:—

“I have so little doubt of the propriety of your publishing that I am even *impatient* to see you in the press. The clearness and perfect candour of all your statements, the most unostentatious way in which your authorities are so carefully cited, and the spirit of humanity and enlarged philanthropy which breathes over the whole work, give it, in my eyes, an attraction so seldom to be found in historical writings, as I am persuaded must ensure its popularity and success. . . . I have sat up reading it both the nights I have been here, till after 2 o’clock, and not in the least, I can assure you, from any sense of duty, or wish to oblige you, but solely for my own gratification and delight.”<sup>2</sup>

Such gratifying assurances of interest and assistance from a man in the position of Lord Jeffrey must have exercised a powerful influence in determining Mr. Elphinstone as to the completion and publication of his work, and one can hardly overrate the kindness of the “prince of British critics” in this connection. At the same time the intrinsic value and interest of the work is brought forcibly before us when we read that, pressed as he was by exacting and exhaustive public labours he sat up till two in the morning reading and annotating the manuscript. The book appeared in 1841.

Feeling the effects of his long residence and active life in a tropical country beginning to tell somewhat heavily upon him, Mountstuart Elphinstone retired from the gay whirl of London society, and in 1847 betook himself to the picturesque little residence of Hookwood, in the neighbourhood of the Wealds, where he spent the remaining years of his life in rustic seclusion. Here, in September 1852, the news of the death of his venerable master, the Duke of Wellington, reached him, of whom he says:—“The Duke of Wellington died the day before yesterday, and has left a blank which can never be filled up. The nation seems to have lost the support on which it could rely in all exigencies, and to be left, without an arbiter, to the conflicting counsels of inferior men. Even I have lost a constant object of attachment and veneration during fifty years. . . . His end was as fortunate as the rest

<sup>1</sup> Letter, dated from 21 Wimpole Street, Tuesday 23th , Lord Jeffrey to Mountstuart Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Letter, dated at Hayleybury, Friday, 8th May , Lord Jeffrey to Mountstuart Elphinstone, *ibid.* Neither of these letters appears in Sir Edward Colebrooke’s work.

of his career, as he was in perfect health and full possession of his faculties up to the last day of his long and glorious life." The funeral of the illustrious soldier was made an occasion of such national mourning as has rarely been recorded in the annals of our country. "The crisis of the ministry and the establishment of the Empire in France are passing almost unheeded; and all this for an old warrior who has not drawn his sword for thirty-seven years, and who in his civil station has been opposed to almost every object for which the people were most eager. It fills me with admiration both of the hero and of the nation: the hero for the undeviating firmness and rectitude which could alone command such permanent attachment; and the nation, which was capable of estimating such qualities, and had steadiness enough to retain its sense of them unabated for such a length of time."<sup>1</sup>

Mountstuart Elphinstone died at his retreat in Hookwood, on the night of 20th November 1859, at the venerable age of fourscore years. His death, from paralysis, was mercifully sudden and painless. He was interred at Limpsfield, in the churchyard adjoining the grounds of Hookwood, in the same spot which shortly afterwards became the grave of his nephew, Lord Elphinstone, who, by his own desire, was laid by his side. A public meeting of his friends and admirers was held on the following February to consider the fittest manner of showing their appreciation of his eminent and useful services. The list of those who were present at this meeting includes the honoured names of Sir C. Wood, then secretary of state for India, the Duke of Argyll, Lord Ellenborough, and Lord Derby; and the result of their conference was the erection of a statue in his honour by Noble, which was afterwards placed in the cathedral of St. Paul's.<sup>2</sup>

Thus died one of the noblest and most illustrious of our Indian statesmen, who by the long and faithful devotion of his abilities to the furtherance of his country's welfare in India, as well as by the unvarying kindness, generosity, and integrity of his conduct, has made the name of Elphinstone to shine so brilliantly in the annals of our Indian empire.

<sup>1</sup> Diary in Life of M. Elphinstone, vol. ii. pp. 365, 366.

<sup>2</sup> *Ibid.* pp. 411, 412.

Mountstuart Elphinstone

Elphinstone

## XXI.—JOHN, TWELFTH LORD ELPHINSTONE.

JANET HYNDFORD ELLIOT (OF WOLFLEE), DOWAGER LADY CARMICHAEL, HIS WIFE.

1794-1813.

John, twelfth Lord Elphinstone, was the eldest son of John, eleventh Lord Elphinstone, and the Honourable Anne Ruthven, Lady Elphinstone, his wife. He was born probably about the year 1770. A few years after his birth, Mr. Johnston, the parish minister of Biggar, when speaking of him as the Bailie of Biggar's favourite, calls him in familiar parlance "Young Jock of Biggar."<sup>1</sup>

The period in which this Lord Elphinstone lived, up till the time of his death in 1813, was one of great public commotion. The war on the American continent, which began in 1775, continued till 1783. The powerful confederacy against Britain to which that war gave rise compelled the latter to fight single-handed the combined forces of America, France, Spain, and Holland. The principles which the French people learned from the Americans made them ripe for the revolution of 1789, a revolution which provoked the armed intervention of other European powers, and ultimately of Britain. The long and sanguinary war thus begun with France continued with little intermission until the abdication of Napoleon in April 1814, and then ceased only soon after to be resumed.

These wars held out inducements to join the army or navy, presenting as they did opportunities for acquiring rapid promotion, high rank, and considerable honour, not to speak of other advantages.

Brought up in such times, accustomed to the events of war or to the rehearsal of them, and also his father's career being a military one, it is no matter of wonder that the young Master of Elphinstone chose the army as his profession. If he did so in the expectation of rising rapidly in that

<sup>1</sup> Letter, the Rev. John Johnston to the Honourable John Elphinstone, Biggar, 23rd June 1774, in Elphinstone charter-chest.





profession to high rank, he was not mistaken, as will be shown in the subsequent pages of his memoir.

At what age and in what year he entered the army is uncertain.<sup>1</sup> He obtained a commission as captain in the Seventy-Second regiment of foot in or before the year 1792.<sup>2</sup> This commission he purchased for seven hundred pounds.<sup>3</sup> On 22nd September of that year Captain Elphinstone was transferred to the Sixtieth regiment of foot, and advanced to the rank of major of the regiment.<sup>4</sup> In 1794 he was again advanced, and became lieutenant-colonel of the regiment.<sup>5</sup>

Lieutenant-Colonel Elphinstone was transferred about this time to the battalion of the Royal Americans in Canada.<sup>6</sup> This appointment enabled him to visit places in the Dominion associated with his father's early military history, and this may in part at least have attracted him to Canada. While he was there, on 19th August 1794, John, eleventh Lord Elphinstone, his father, died. Major Elphinstone now succeeded to the Elphinstone peerage, and became the twelfth Lord Elphinstone.

Lieutenant-Colonel Lord Elphinstone did not long remain in Canada, as in 1795 he had returned to England and received the appointment of aide-de-camp to H.R.H. Frederick, Duke of York, who was then commander-in-chief of the army.<sup>7</sup>

The heritable property of John, eleventh Lord Elphinstone, at the time of his death consisted of the right he had obtained to the estates of Biggar and Cumbernauld in virtue of the obligations resting on his mother, Lady Clementina Fleming, contained in a contract bearing date 10th February

<sup>1</sup> Peerage writers credit the Master of Elphinstone with having a company of foot soldiers which was reduced in 1783. This is probably a mistake, as he would be too young then, being at the time only twelve or thirteen years of age.

<sup>2</sup> Scots Magazine, vol. liv. p. 467.

<sup>3</sup> Extract registered contract between

Anne, Lady Elphinstone, and others, and John, Lord Elphinstone, 1st and 6th January and 1st February 1796, in Elphinstone charter-chest.

<sup>4</sup> Scots Magazine, vol. liv. p. 467.

<sup>5</sup> *Ibid.* vol. lvi. p. 659.

<sup>6</sup> Birthday Book, in Elphinstone charter-chest.

<sup>7</sup> *Ibid.*

1785. This right was burdened with the payment of the annuity of £800 to Lady Clementina and of the eventual annuity of £100 to her daughter, and also with a heritable debt on certain lands named in the above contract.

His personal property consisted of the arrears of the rents of Biggar, Cumbernauld, Auchenkilns, and others, and one half of the year's rent of these estates current at his lordship's death. It further consisted of the household furniture in his house in the castle of Edinburgh, and the household furniture and books and farm stocking at Cumbernauld; and also of two bonds of £1000 each, one of them by James Drummond of Perth, who became Lord Perth, and the other by Sir John Henderson of Fordel, Baronet.

The eleventh Lord Elphinstone left no deed of settlement, and his heritage descended to John, twelfth Lord Elphinstone, his son, burdened as already stated, as well as with the terce due to his mother, Anne, Lady Elphinstone. His personal property descended to Anne, Lady Elphinstone, his widow, and to her three younger sons and four daughters—Charles, James Ruthven, Mountstuart, Anne, Clementina, Mackenzie, and Keith Elphinstone, burdened with the debts of the deceased lord.<sup>1</sup>

These circumstances rendered a new family arrangement necessary. A contract was entered into between Anne, Lady Elphinstone, on the first part, her daughters Anne, Clementina, Mackenzie, and Keith Elphinstone, on the second part, and John, Lord Elphinstone, on the third part. It was thereby agreed that the arrears of rent and current rent of Biggar, Cumbernauld, and others, were to belong to Lord Elphinstone. An amicable settlement was also arrived at of the respective rights of the Dowager Lady Elphinstone and her children.

An arrangement was included in the contract that, in the event of the succession of any of Lord Elphinstone's brothers as heirs of entail to the Wigton estates, the party succeeding was to be obliged to take the furniture,

<sup>1</sup> Draft agreement between the representatives of the deceased John, Lord Elphinstone, 1800, in Elphinstone charter-chest.

books, silver plate, and china in the house of Cumbernauld at the value now stated in an inventory. He was also to relieve his lordship of his bond to Lady Elphinstone, or to pay him the value of the furniture and others. Lord Elphinstone was further to receive the value of the improvements he had made on the estates. In the same agreement, Charles, James, and Mountstuart Elphinstone made over to their mother and sisters their shares of their father's personal estate.<sup>1</sup>

On 29th March 1796 Lord Elphinstone was retoured heir special to his father, John, eleventh Lord Elphinstone, in the lands of Quarrall, Pocknane, and Powfowls, in Stirlingshire. In the retour he is designed, "John Fleeming, Lord Elphinstone, of Biggar and Cumbernauld."<sup>2</sup>

After his father's death, Lady Clementina Fleming was personally disposed to give a lease of the Wigton estates to Lord Elphinstone, her grandson, as, in case it was found he was not entitled to these entailed estates, it would to some extent be a recompense to him for the loss he would thereby suffer. Her ladyship also wished a settlement to take place betwixt his lordship and his brother, Charles Elphinstone, in order that the latter might not be altogether a loser by Lord Elphinstone's succession, nor his lordship by the succession of Charles.<sup>3</sup> But whether such a settlement was made or not does not appear.

From what has been stated, it will be seen that a doubt existed in the Elphinstone family as to whether the succession to the entailed Wigton estates vested in John, Lord Elphinstone, or in Charles Elphinstone, his younger brother. There may have been a desire in the family to have the estates continued in the main line of the Elphinstones; at any rate, legal steps were taken by Lady Clementina Fleming to have the entail reduced.

The entail of the Wigton estates and the circumstances connected with it

<sup>1</sup> Draft agreement in Elphinstone charter-chest.

<sup>2</sup> Retours to chancery at date.

<sup>3</sup> Letter to Lord Elphinstone from his law agent, unsigned, 17th May 1795, in Elphinstone charter-chest.

may be thus explained. By a great seal charter, dated 21st June 1707, these estates stood devised in favour of John, Earl of Wigton, the great-grandfather of Lord Elphinstone, and the heirs-male of his body. Failing these, they were to be inherited by Charles Fleming, the brother of the earl, and the heirs-male of his body, whom failing, by the heirs-female of the earl, and thereafter by the other heirs mentioned therein. On this charter the earl was duly infeft in the estates on 27th October 1707, and received sasine of them on 4th November thereafter. By a contract of marriage betwixt the earl and Lady Mary Keith, dated 8th February 1711, his lordship obliged himself to make resignation of the estates for new infeftment to himself and the heirs-male of his body, whom failing, to the heirs of entail. On 24th June 1741 the earl executed a deed of entail of the estates in favour of himself and the heirs therein mentioned. This entail contained strict clauses, particularly that if any of the heirs of entail, other than the heirs-male of the earl's body, or of the body of his brother, Charles Fleming, succeeded to the title and dignity of peerage, they were to denude themselves of the estates, which were to devolve upon the next heir of entail for the time.

Lady Clementina Fleming, being the only child of the marriage betwixt the earl and Lady Mary Keith, and being also the nearest heir of entail and provision under the entail, had a service to the estates expedie in her favour.

Her ladyship was now advised that the Earl of Wigton was barred from executing the entail of 1741 in consequence of her father and mother's contract of marriage; and that she had made up her titles to the estates erroneously, by coming under the entail when ignorant of her right under the marriage contract. Accordingly she raised a process of reduction of the entail and relative deeds, as already stated, and claimed to hold the estates as a fee-simple in her person, at least, that she was entitled to hold and possess the same under the conditions stated in the infeftment referred to in the Earl of Wigton's contract of marriage.

On the death of Lady Clementina Fleming, on 1st January 1799, Lord

Elphinstone, her grandson, succeeded to and possessed the Wigton estates. He continued to possess them as heir of entail until the year 1804 or 1805, when they were adjudged in law to belong to his brother, Charles Elphinstone, under the entail of 1741.<sup>1</sup> Charles Elphinstone thereupon adopted the name of Fleming, and took the designation of Charles Fleming of Biggar and Cumbernauld. In 1810 Lord Elphinstone was still resident at Cumbernauld House. This was probably arranged with Charles Fleming, whose active service in the navy did not permit of his residing upon his estates.

The promotion in the army which Lord Elphinstone hitherto received was, as has been shown, rapid. His subsequent advancement was no less rapid and striking. He exchanged from the Royal Americans to the Sixty-First Regiment, and from that regiment to the Twenty-Sixth Cameronians.<sup>2</sup> On 2nd November 1805 he was appointed major-general.<sup>3</sup> In May of the following year, Major-General Elphinstone was appointed colonel of the Twenty-Sixth Regiment of Foot, in room of Lieutenant-General Andrew Gordon, who was deceased.<sup>4</sup>

On 4th December 1806, Lord Elphinstone, in the midst of his military preferments, was elected a representative peer;<sup>5</sup> and at the next election of representative peers on 9th June 1807, George, Prince of Wales, as Duke of Rothesay, intrusted a proxy to him and voted for eight peers.<sup>6</sup> In consequence of his election in 1806, his lordship would take his seat in parliament as well as take a part there in transacting the affairs of the country, so far as his military duties permitted.

<sup>1</sup> Summons by Lord Keith and others against Lord Elphinstone, 1810, in Elphinstone charter-chest. After this decision a difference arose between Lord Keith and The Honourable William Fullerton Elphinstone, as executors for the deceased Primrose Elphinstone, and Mary Elphinstone, and Lord Elphinstone, their nephew, as to the annuity he had granted to his aunts, and the rents to which they were provided by their mother, and a

summons was executed against him at their instance for the payment of these. [Summons, 18th January, and execution, 7th April, 1810, also relative statement of sums due by him to them, *ibid.*]

<sup>2</sup> Birthday Book, *ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Scots Magazine, vol. lxxviii. p. 397.

<sup>5</sup> *Ibid.* p. 963.

<sup>6</sup> Memorials of the Earls of Haddington, vol. i. p. 284.

About this time Lord Elphinstone got second command in Scotland,<sup>1</sup> and on 30th December 1811 he was appointed by the prince-regent to take rank by brevet as lieutenant-general in the army.<sup>2</sup> In addition to his other appointments, Lord Elphinstone was lord-lieutenant for the county of Dumbarton.<sup>3</sup>

Lieutenant-General Lord Elphinstone died at Bath on 20th May 1813, and was buried at the abbey there.<sup>4</sup> His lordship was married on 31st July 1806, at Edinburgh, to Janet Hyndford, youngest daughter of Cornelius Elliot of Wolflee, in the county of Roxburgh, relict of Sir John Gibson Carmichael, Baronet, of Skirling.<sup>5</sup> Lady Elphinstone survived her husband, and died on 23rd August 1825.

There is at Carberry Tower a drawing of John, twelfth Lord Elphinstone. On the back of the cardboard on which the drawing is made there is a note partly in the handwriting of the late William, fifteenth Lord Elphinstone, as follows:—"John, 12th Lord Elphinstone, drawn by 'Edridge' at the desire of his aunt, Lady Perth, just before he sailed for Egypt," June 1801. This drawing is a fine work of art, and has been collotyped for the present work.

By his marriage with the Dowager Lady Carmichael, Lord Elphinstone had issue one son, of whom a memoir follows.

<sup>1</sup> Birthday Book, in Elphinstone charter-chest.

<sup>2</sup> Scots Magazine, vol. lxxiv. p. 76.

<sup>3</sup> *Ibid.* vol. lxxv. p. 479.

<sup>5</sup> *Ibid.* vol. lxxviii. p. 646.

<sup>4</sup> *Ibid.*





XXII. 1.—JOHN, THIRTEENTH LORD ELPHINSTONE,  
GOVERNOR SUCCESSIVELY OF MADRAS AND BOMBAY.

1813-1860.

Like his uncle, Mountstuart Elphinstone, Governor of Bombay, John, thirteenth Lord Elphinstone, served his country in India, where, as governor successively of the two important presidencies of Madras and Bombay, he, especially during the eventful Indian Mutiny, earned a reputation as an able administrator and successful ruler.

To write an exhaustive memoir of this Lord Elphinstone, and to do justice to his Indian career, would require a volume of at least similar proportions to those which record the lives of Mountstuart Elphinstone and Lord Keith. There exist in the Elphinstone charter-chests ample and interesting materials for such a memoir, and the hope may be here expressed that at no distant period a memoir of his lordship drawn from these and other sources of information will be given to the public.

An extended memoir of his lordship, such as that now indicated, would, from its size alone, be incompatible with the plan of the present work. What follows here regarding him, therefore, does not profess to be entirely comprehensive of his life.

John, thirteenth Lord Elphinstone, was the only son of John, twelfth Lord Elphinstone. He was born at Cumbernauld House on 2nd June 1807,<sup>1</sup> and was baptized by the Rev. James Lapslie, minister of Campsie, in the presbytery of Glasgow.

On 20th May 1813, when he was about six years of age, his father died, and he succeeded to the Elphinstone peerage. What special provisions were

<sup>1</sup> Scots Magazine, vol. lxi. p. 477. The Birthday Book in the Elphinstone charter-chest gives the 3rd June, a day later than that stated above as the day of Lord Elphinstone's birth. Peerage-writers erroneously give the 23rd as his birthday.

made for him during his long minority have not been ascertained. But if his subsequent life was influenced and assisted by his early upbringing, it indicates that his training and education had been under careful and wise management. In certain affairs in which Lord Elphinstone was directly interested, his grand-uncle, Lord Keith, acted on his behalf.

Following the example of his father and grandfather, the eleventh and twelfth Lords Elphinstone, his lordship entered the military profession. He obtained a commission in the Royal Horse Guards as a cornet and sub-lieutenant, and was subsequently in 1832 promoted to be captain in the regiment.

Previous to his promotion in this royal regiment, Lord Elphinstone formed the acquaintance of William, Prince of Orange, who was for a short period at this time in England. This acquaintance soon ripened into warm friendship and affection, which subsequently found expression in the correspondence which passed between them. The letters of the Prince to his lordship, still preserved in the Elphinstone repositories, range from 17th March 1831 to 15th October 1836.

Before noticing the contents of these letters, it will be necessary to give some account of the Prince, and the circumstances in which he was placed when he wrote them, as the letters largely refer to these. In doing this, it may be premised that if much that is in these letters bears no direct personal relation to Lord Elphinstone, the importance of what they state as coming from the Prince of Orange at this particular time constitutes a sufficient reason for making reference to them here. But besides the public importance of the letters of the Prince, they show the confidence he reposed in Lord Elphinstone, the value he placed on his friendship, and the warmth of his devotion to him. On this account alone they claim a place in the memoir of his lordship.

The Prince of Orange was a favourite in England, and had been a competitor with Prince Leopold of Saxe-Coburg-Saalfield for the hand of the

Princess Charlotte of Wales, who was the heir-presumptive to the British throne. At the time when Lord Elphinstone appears to have become acquainted with the Prince, the latter was in England in circumstances connected with his own and his country's interests.

In 1815 the allied powers united the Dutch and Belgian provinces, and constituted them into the kingdom of the Netherlands. William, Prince of Orange, the father of the prince to whom reference is being made, became the first king of the new kingdom. The union then formed never was a cordial one, at least on the part of the Belgians. When the second French Revolution of July 1830 took place, the Belgian provinces, a month later, also broke out into revolution, and proclaimed their separation from Holland. In October the Prince of Orange, as Lieutenant-General of the Flemish provinces, removed the seat of government to Antwerp, and made a proclamation acknowledging the separation of Belgium from Holland, and assuming in his own person the sovereignty of Belgium. No regard was paid to his proclamation, however, and his father, who did not approve of what he had done, cancelled his commission. The Belgians, as will subsequently be shown, chose Prince Leopold of Saxe-Coburg as their king, who thus once more became the successful rival of the Prince of Orange. Plenipotentiaries from the great powers met in conference in London to settle the disputes underlying the revolution. It was during the meeting of this conference in London that the Prince of Orange visited London also, when he had frequent meetings with Lord Elphinstone.

The prince returned to Holland. The day following his arrival there he wrote Lord Elphinstone from the Hague, asking him to give him his confidence in his letters, and saying, "I promiss'd you my frie[n]dship and it will prove a true one." In a postscript he writes:—

"My reception here has been better than I expected, both *as yet* by the *publick* and by my *father*. It is *possible* that I shall be obliged to go to Petersbourg. Would and could you go with me if I did. Your whole expense will of course be covered by

me. You would act as English aide-de-camp. Do not talk of this proposal of mine in London till *all is fixed about it.*"<sup>1</sup>

The proposal to accompany the Prince of Orange to Russia, here alluded to, received the consent of Lord Elphinstone. It was important to have Russia, at whose instance the London conference was convened, favourable to the views of Holland, and the projected embassy had evidently this in view. This diplomatic visit, however, was not made. The prince found it prudent not to leave Holland. This he explains in a letter to Lord Elphinstone written soon after.

The prince had displeased both his father, the king, and the people of Holland, by what he had done at Antwerp. When he returned to the Hague, he was, as stated in his letter last quoted, better received than he anticipated. In his next letter to Lord Elphinstone he writes in the most frank manner, and says that the public were unfriendly to him. He further states the policy he had been following in the circumstances, and the success it had met with. The letter is as follows :—

"The Hague, April 8th, 1831.

"MY DEAR ELPHINSTONE,—Only a few lines to thank you for your letter of the 30th of last month, and to tell you in plain English that it has given me the greatest pleasure to hear from you. Pray continue to tell me the news of the day, and write to me as often as you can, since I have it at heart to keep up our friendly intercourse on the same footing as establish'd in London.

"I am quite glad to see by your letter the favourable manner in which you received the proposition I made to you of going with me to St. Petersburg. But, my dear Elphinstone, I am obliged to postpone this journey since I plainly perceive that great *people* here wish me again at a distance so as to have it in their power to estrange me entirely to the feelings of the Dutch. A great deal has been done already towards obtaining that point by misrepresenting out of ill-nature all I did and said with regard to Belgium, as well at Antwerp, as in England; and my proclamations are construed here into hostile feelings towards the Dutch, who are not *even named* or *hinted at* in any document of that sort publish'd by me.

<sup>1</sup> Original letter addressed "To Lord Elphinstone, Royal Horse Guards, Regent's Parck Barracks, London," dated The Hague, March 22, 1831, in Elphinstone charter-chest.

“The harm done is come to that point that I saw yesterday the official report of the Amsterdam police, in which it is said that the public opinion there is so much against me that it seems possible that some unpleasant feeling might be shown by the people at my arriving there, and particularly at the play. However, my conscience being free of any of the blame that is laid to my charge, I intend to affront the storm, and to accompany my father to-morrow to Amsterdam, and to go that very night with him to the play. I do not after all believe that anything unpleasant will happen; but all the same, my good friend, you must now confess that my position here is not *colour de rose*, and that I have some reason to regret *London* and *you all*. But I am *determined* to weather the storm that is gathering about me: and here at the Hague I have already partly succeeded and regained the good wishes of many by pretending *not to know* or *not to believe* the existence of any hostile feelings towards me, and by going on in daily intercourse with my Dutch friends as if nothing had happened. I intend to follow the same policy at Amsterdam, and I hope to the same effect.

“You will have heard before now all that took place in Belgium, when France plaid again an infamous part, since it is well known here that General Belliard gave the money by means of which the mob was paid to plunder the Orangist partisans; and you know probably that France has *declared* herself to the conference in favour of Prince Leopold as candidate for the Belgian throne, and, at the same time, against any member of the Nassau family. I therefore now bet the odds in favour of Leopold! ! ! ! ! ! ! . . . . God bless you, my dear Elphinstone; for ever your affectionate,  
 “WILLIAM PR. OF ORANGE.”

Addressed—“To Lord Elphinstone, Lieutenant, Royal Horse Guards, Regent’s Park Barracks, London.”<sup>1</sup>

Subsequent to the writing of the letter now quoted, Lord Elphinstone took steps to become a representative peer of Scotland. Important events had been transpiring in Britain as well as on the continent of Europe, although of a more peaceful character. On the death of King George the Fourth on 26th June 1830, King William the Fourth succeeded to the throne. The first parliament of King William met on 2nd November of that year. On 15th November a ministerial revolution took place, when Earl Grey succeeded the Duke of Wellington as first Lord of the Treasury. The new ministry brought in a measure of parliamentary reform on 1st March 1831. The

<sup>1</sup> Original letter in Elphinstone charter-chest.

measure was popular in the country, but met with keen opposition in both houses of parliament. It occasioned great excitement throughout the country, and many riots took place. Lord Elphinstone appears to have taken a lively interest in the Reform Bill, as during the fierce struggle over it he became a candidate for election as a representative peer. He offered himself for election as an independent candidate, and refused to pledge himself to any party. The election took place at Holyrood on 3rd June 1831, when his lordship was present and voted.<sup>1</sup>

Lord Elphinstone received eighteen votes on this occasion, and was not one of the elected peers.<sup>2</sup> His lordship, however, was subsequently elected, and sat in the House of Lords for several years as a representative peer of Scotland. He was present and voted at the elections of representative peers which took place at Holyrood on 14th January 1833, and 10th February 1835. On the first of these occasions he was proxy for the Earl of Dunmore and Lord Torphichen. The Earl of Lauderdale at this election protested against his lordship's vote and also his votes as proxy being received, on the ground, he said, that he had "withdrawn out of sight of the peers present during the administration of two or more of the oaths." Another reason alleged by the Earl for his protest was that the clerks at the table had again administered the oath to, and for a second time "received the votes of his lordship, subsequent to their having received and announced the votes" of the peers present and of the proxies, and subsequent also to their having announced the names of the peers voted for in the signed lists. The Earl held that the law directed the oaths to be administered before proceeding to the election.<sup>3</sup>

Pending the settlement of the sovereignty of Belgium the affairs of that

<sup>1</sup> Appendix to Report from the Select Committee on the Earldom of Mar, 1877, p. 24. His lordship was also present, and voted at the election of sixteen representative peers of Scotland on 2nd September 1830 [*ibid.*].

<sup>2</sup> The Evening Courant at date.

<sup>3</sup> Appendix to Report from the Select Committee on the Earldom of Mar, 1877, pp. 27-28.

country and of Holland did not improve. When the Prince of Orange wrote to Lord Elphinstone on 25th May, that settlement had not taken place. In his letter the prince reports the actual situation and his opinion regarding it as follows:—

“Here in Holland everything is quiet up to the present moment. But a great deal of discontent begins to show itself amongst the states general and the people at large owing to the great expense required to keep up the army we must have on the Belgian frontier. It is very necessary therefore that the London conference should put an end to the Belgian question; the sooner the better. The most rational plan as to my opinion would be to occupy that country with troops belonging to the five powers and then to decide its final fate.”

The Prince of Orange and Lord Elphinstone probably continued to correspond with the same regularity and frequency as up to this date they had done. If they did so, the prince's letters down to the close of 1835 have not been preserved alongside of his other correspondence in the Elphinstone collections, and there is a gap in the series of letters between these dates.

Leopold, Prince of Saxe-Coburg, was chosen King of Belgium in July 1831. On the 16th of that month he left London for Brussels, where he was received with acclamation, and took the oath to observe the constitution. The national rejoicings were, however, rudely interrupted. The arrangements come to by the conference at London regarding Holland and Belgium did not please the King of Holland, who made a formal protest against them. In less than a month after the arrival of Leopold at Brussels, the Dutch army under the command of the Prince of Orange and the Duke of Saxe-Weimar, the brother-in-law of Queen Adelaide, appeared on the Belgian frontier and defeated the army of the new king. Leopold, abandoned by his troops, escaped from the battlefield and appealed to the French and British for assistance. The French sent 50,000 troops and the British a naval squadron to watch the Dutch. More active measures followed until a treaty was signed by Britain, France, and Holland on 24th May 1833. It was not, however, till 1839 that a treaty of peace was signed between Holland and Belgium.

Lord Elphinstone visited the Prince of Orange in the Netherlands in the summer of 1835, apparently at Tilburg. On his return to England he wrote the prince first one letter and then another. Both his visit and his letters were highly valued by the prince.

Lord Elphinstone was, previous to November 1835, appointed Groom of the Bedchamber to the King. The exact date of the appointment is uncertain, but it would probably be before he went to Holland. His court appointment and residence at court would bring Lord Elphinstone in direct contact with many royal personages. In the beginning of 1836 there visited King William and Queen Adelaide, H.R.H. Prince Ferdinand of Portugal, his father the Duke of Saxe Coburg Gotha, his brother Augustus, and Prince Ernest of Leiningen, son of H.R.H. the Duchess of Kent. Coming from Portugal, they were to land at Dover. Lord Elphinstone was deputed to meet them with the royal carriages, and convey them to Kensington Palace. Proceeding to Dover with the Portuguese Minister, they were, unfortunately, disappointed in their purpose, as the prince and his suite, finding it impossible to obtain a landing at Dover, sailed to Ramsgate, which they reached, and from whence they started for London before his lordship and the ambassador could reach Ramsgate.<sup>1</sup>

Lord Elphinstone did not long hold his court appointment. Early in 1836 he was made Governor of Madras, in succession to his kinsman, Lieutenant-General the Right Honourable Sir Frederick Adam, K.C.B. His lordship now relinquished the army, if, indeed, he had not already done so upon his becoming an officer of the king's household.

Upon learning that Lord Elphinstone had received this high position, the Prince of Orange promptly wrote to him a letter of congratulation, informing him at the same time of his own arrangements for visiting England.

Important honours were bestowed upon Lord Elphinstone in the year 1836 besides his Indian appointment. He was made a privy councillor, and

<sup>1</sup> "Life and Reign of William the Fourth," by G. N. Wright, vol. ii. p. 791.

he also received the Grand Cross of the Royal Hanoverian Guelphic Order of Knighthood.<sup>1</sup>

Besides the Prince of Orange, some of whose letters have now been given, Lord Elphinstone numbered among his friends another prince, Ernest Constantine, Prince of Hesse Philippthal. Lord Elphinstone sailed for Madras apparently at the end of October 1836. Before his departure he received the following letter from the Prince of Hesse, who desired to see him to give him his good wishes :—

“MY DEAR LORD,—I beg you to allowe me to put in your mind not to forget to give me the direction of the person I have to send my letters or other things for you to Madras.

“I hope of seing you before you go to express [to] you my best whishes for your most happy journey. God bless you. ‘Do not forget to write to your friends’ (I mean your friends in Europe) is written on the plain inkstand I send hereby, and I beg you [to] accept [it] in re[m]embrance of your very sincere friend,

“ERNEST, PRINCE OF HESSE Pp.

“Windsor Castle, the 22th of October 1836.

“To The Lord Elphinstone.”<sup>2</sup>

Before Lord Elphinstone set out for Madras he bestowed his favourite charger upon the Prince of Orange. The animal was much admired by the Dutch. It was also valued by the prince, especially on account of its previous owner. One more letter from the prince to his lordship remains to be quoted here. It was written a short time before his lordship left England, but it was to be delivered to him in Madras. Harry, the son of the prince, was proceed-

<sup>1</sup> Lord Elphinstone would be one of the last, if not the last, to receive this Guelphic Order, as, upon the death of King William the Fourth in the following year, when the British sovereign ceased to occupy the throne of Hanover, the Order was no longer conferred by the British crown. H.R.H. the Duke of Cambridge, who claimed Lord Elphinstone as one of his particular friends, is still a G.C.H.

The motto of the Order, “*Nec aspera terrent*,” i.e. “Difficulties cannot dismay,” is one which Lord Elphinstone exemplified in his subsequent career.

<sup>2</sup> Original letter in Elphinstone charter-chest. There is a postscript to the letter containing the several addresses of the prince on the continent of Europe.

ing to Java, and on his return from that island he was to carry the letter to Lord Elphinstone, who was desired to receive the royal youth as the son of a friend. The prince enclosed in it a ringlet of hair from the black mane of his charger, which is still preserved along with the letter. The following are the terms of this letter, with which we take farewell of the prince in this memoir:—

“The Hague, October 15th, 1836.

“MY DEAR ELPHINSTONE,—I write these lines to you by my son Harry, who will probably deliver them in person to you in more than one year's time on his return from Java. You may conceive how strange it seems to me to direct a letter to you at Madras, and to send it by my own son. But at the same time his departure and his two years' absence are a real trial to my feelings, and I am truly miserable at the moment I trace these lines. But I only confess this to a friend, here (*je fais bonne mine a mauvais jeu*). How are you going on at Madras? Can you reconcile yourself to your present grandeur? I would above all things like to pay you a visit, if such a thing was possible for a person situated as I am. But, believe me, my good friend, I often, very often, think of you and our comfortable breakfasts at your lodgings in St. James's Street, and my best wishes and prayers, at all events, accompany you where so ever Providence may guide your steps.

“I herewith enclose to you, not a ringlet of hair of one of your forsaken and broken-hearted London beautys, but of the raven mane of your charger. He is in good health and spirits, a great deal admired by the Dutch, and carries me to my full satisfaction. When I see the good dear animal, I fancy I still see you on his back in Windsor Park, and I like him for your sake.

“I particularly recommend to you my dear young sailor. Receive him, pray, as *the son of a friend* and not with princely etiquette. He takes his voyage on board the Netherland frigate Bellona. She is commanded by Captain Ariens, a franc and cordial sailor, who takes care of Harry, and was two years ago with him at Windsor when your king liked him. Now, my dear Elphinstone, farewell; and believe me for ever your truly affectionate friend,

WILLIAM, PR. OF ORANGE.

“To his Excellency Lord Elphinstone, Governor General of Madras,  
at Madras.”<sup>1</sup>

<sup>1</sup> Original letter in Elphinstone charter-chest. The prince, on his father's abdication in his favour on 7th October 1840, succeeded him as William the Second, King of the

Netherlands. He died on 17th March 1849, and was succeeded by his son, King William the Third.

In the autumn of the following year, on 3rd October 1837, the Prince of Hesse wrote a letter to Lord Elphinstone giving him much court news, and telling his lordship of the regret with which his departure from England was viewed by the king and court. The letter, which is in French, extends to forty-four closely written quarto pages of note paper. King William the Fourth died on 20th June 1837 and his niece succeeded to the throne as Queen Victoria. The letter itself is too lengthy to admit of being given here in full. The portion of it personal to Lord Elphinstone may, however, be translated :—

“Your departure had deeply affected the king. I noticed each time that people spoke of you, for they often spoke of you the first time after your departure from Windsor Castle, and all the inmates of the castle regretted very sincerely that you were no longer amongst them ; and I sincerely hope, my dear Lord Elphinstone, you are persuaded that I was one of those who felt your absence the most. Since I had received your first letter, which Hoyl brought to me, I expressed to his Majesty your respectful homages and your last adieus. ‘God bless him,’ said the noble old monarch. And I hope, my dear Lord Elphinstone, that that last benediction which that venerable old king then pronounced will always bring you good fortune, and that God Almighty will protect you and sustain you on the dangerous path that you have to travel, so far away from your dear native country, and that the Most High will bring you back to it safe and sound.”<sup>1</sup>

Lord Elphinstone continued to hold his appointment as Governor of Madras for a period of five years, or until April 1842, when the Marquis of Tweeddale, K.T., succeeded him and held the double appointment of Governor and Commander-in-Chief of the army of Madras. No attempt will be made in these pages to record Lord Elphinstone’s administration of this important presidency. It was characterised as most able and successful in all departments.

When Lord Elphinstone’s term of office as Governor of Madras expired in 1842, he returned to England. He remained there for a brief period,

<sup>1</sup> Original letter, written from Anvers, in Elphinstone charter-chest.

when he went back to India in a private capacity, where he continued for three years. His lordship devoted these years to travel through Cashmere and the more remote parts of Bengal. In 1847, soon after he had again returned to England, he was made a lord-in-waiting to the Queen. He held this position until February 1852, and from January to October 1853.

In October 1853 Lord Elphinstone was appointed Governor of Bombay in succession to Viscount Falkland. The Governorship of this Presidency had been held by his lordship's uncle, Mountstuart Elphinstone, for the long period from 1819 to 1827. Thus twice in less than fifty years this important position was held by a member of the Elphinstone family. Lord Elphinstone at once set sail for India, where he was now no stranger. The Duke of Cambridge could not allow his lordship to leave England without bidding him farewell and testifying to him the attachment he felt to his person as one of his oldest and best friends. From the kind and unaffected terms in which he does this, his letter deserves a place in this memoir.

"St. James's Palace, November 14th, 1853.

"MY DEAR ELPHINSTONE,—I cannot tell you how sorry I am to have missed seeing you before your departure, and if I knew that you did not start till to-morrow evening, I would make a point of calling on you to-morrow morning. Should you however go early, and that then I am deprived of the pleasure of even now shaking you by the hand, let me in this note bid you farewell. I assure you I see you go with a heavy heart, for I look upon you as one of my *oldest* and best of friends, and therefore, your loss for a considerable period cannot but be sad. Still, as it is a fine position that you are about to fill, I must be glad to think that you have been selected for so honourable a post, and I trust that health and success may attend you as it has heretofore done. God bless you, my dear fellow, and be assured that on your return nobody will greet you with a more hearty welcome than your most sincere friend,

"GEORGE."

Addressed—"The Lord Elphinstone, 21 Manchester Square."<sup>1</sup>

Lord Elphinstone, now Governor of Bombay, continued to receive letters from H.R.H. the Duke of Cambridge. A few months after the departure of

<sup>1</sup> Original letter in Elphinstone charter-chest.

his lordship for India, the Crimean War began. War was formally declared with Russia on 28th March 1854. The Duke, who was in the Crimea with the army, and took part in the war, found that his health gave way under the severe strain imposed upon him, and was obliged even at an early part of the campaign to go to Constantinople for a time. While there he wrote to the Governor of Bombay at the instance of his aide-de-camp, requesting his favourable notice of a brother of the latter, an officer in the Bombay army, who desired another appointment than the one he held. At the close of his letter his Royal Highness refers to himself and expresses a hope with reference to the speedy termination of the war. His words are—

“You will be surprised probably to see whence this letter is dated, but the fact is that I have just come up to recover from the fatigues of a very protracted and hard campaign which I regret to say is not yet at an end, though I trust it will ere long be brought to a satisfactory and glorious conclusion.”<sup>1</sup>

The next letter which the Governor of Bombay received from the Duke of Cambridge is written from St. James's Palace, and is dated June 1st, 1855. In it the Duke writes :—

“You are most kind in your expressions of interest in what concerns myself. I am, thank God, quite well again, and have entirely recovered from the effects of the most hard campaign. You can imagine that my whole thoughts and feelings continue with the army, and that during the winter I suffered most painfully from the knowledge of the hardships that that army was undergoing. Thank God, our brighter days have come, and the recent good news from the Sea of Azoff lead me to the hope that ere long we shall have further great successes, and that the Russians will be driven out of the Crimea, in addition to the ultimate fall of Sebastopol itself. As to my own intention, I am as yet doubtful what is to become of me, but I am ready for anything that may be required of me.”<sup>2</sup>

Soon after this the Duke of Cambridge was appointed Commander-in-Chief of the British army, and Lord Elphinstone wrote congratulating him

<sup>1</sup> Original letter, dated Constantinople, November 30, 1854, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

on the appointment. In his reply to his lordship's letter the Duke, on December 8th, 1856, writes:—"I am certainly obliged to you for the kind expressions contained in your letter on my having assumed the responsible post which I have now the honour to fill, and it will be my anxious endeavour to realise the good opinion of my friends."

*I remain, my dear Elphinstone,*

*Yours most sincerely*

*George*

It devolved upon Lord Elphinstone, as Governor of Bombay, towards the end of 1856, to send an expedition to the Persian Gulf. The expedition proved entirely successful. Herat and Bushire were taken, and the court of Teheran, the ally of Russia, sued for peace. The Duke of Cambridge refers to this expedition in the letter just quoted in these terms:—

"We are looking with much anxiety to the result of the expedition you have just sent off to the Persian Gulf. It is to be hoped that its presence there may produce the desired effect without the outbreak of actual hostilities, but it is impossible to say at present what may come of it."<sup>1</sup>

<sup>1</sup> Original letter in Elphinstone charter-chest.

Lord Elphinstone received a later letter from the Duke of Cambridge congratulating him upon the success of his expedition, and giving him praise for the way in which he had arranged and carried it out. He says, writing on March 6th, 1857:—

“ You will hear by the present mail that peace has been signed with Persia at Paris, which we have every reason to hope will be ratified at Teheran. This relieves us of a very great difficulty, for it would have been no easy matter to have carried on the war with Persia, the nature of the country being such as to render an advance into the interior very difficult. Meanwhile I presume the force will have to remain in Persia till the ratifications have been exchanged, and Herat has been given up. The manner in which you have fitted out the expedition to Persia appears to us all here highly creditable to you, and to Sir Henry Somerset acting under your orders.”<sup>1</sup>

The Indian Mutiny broke out immediately upon the termination of the difficulty with Persia. The mutiny took place in the Bengal Presidency. The danger to the neighbouring presidency of Bombay, over which Lord Elphinstone was Governor, consisted chiefly in the great risk which existed of the mutiny spreading to it. The mutiny was confined to the two years 1857 and 1858. But so threatening and serious was it, that during these years anxiety of the stroughest degree was felt by the authorities on the spot as well as by those at home. Lord Elphinstone had a large share of that anxiety to bear. The duties and responsibilities which devolved upon him were such as were fitted to tax him to the uttermost. In encountering them, however, he proved himself to be in every way adequate for all that they demanded of him. The circumstances in which he was placed in combating the mutiny and preventing its extension required a strong man to be Governor of the Presidency—a man of resolution and tact, and of large resources and prompt action. Lord Elphinstone proved to be such a man.

The Bombay Presidency was almost denuded of troops when the mutiny took place. The population was highly disaffected, and Lord Elphinstone

<sup>1</sup> Original letter in Elphinstone charter-chest.

had no more than a handful of Europeans to keep the disaffected from joining in the mutiny. Nevertheless, he succeeded in averting any rising among them. He was also able to render much valuable assistance to the Governor-General of India by sending troops to Bengal, the seat of the mutiny, and otherwise.

At the beginning of the mutiny Lord Elphinstone collected horses from the Cape, Australia, the Persian Gulf, and other places, that they might be in readiness for the cavalry and artillery to be sent out from England. He applied to various colonial governors for the despatch of forces to his aid. He made arrangements for transporting to India the horses and forces thus supplied to him. He also kept the Government at home informed of the progress of events in his presidency, and of its requirements. In all he did he acted in a most statesmanlike manner, and earned the confidence of all.

Lord Elphinstone was in constant correspondence with the Duke of Cambridge, the Commander-in-Chief of the forces in Britain. He invariably found that his Royal Highness paid great deference to his views, and that he was most desirous to give effect to his requests. His Excellency also found his own Commander-in-Chief in Bombay, General Somerset, ever ready and willing to carry out his orders and wishes.

In his letters to Lord Elphinstone, the Duke of Cambridge again and again writes in terms of high appreciation of the exertions and ability displayed by his lordship. The letters, some of which are long, form a valuable collection. But only three of them will be briefly quoted here. In one of these, dated October 26, 1857, the Duke writes :—

“Thank God, I think we may consider that we have turned the corner, and I therefore wish to say how much I have been gratified to find that, thanks to your admirable arrangements, you are enabled, with the assistance of the Colonial Governors, who have behaved remarkably well, to obtain regiments from the Cape and the Mauritius just at the moment when their services were most needed, by which means doubtless you have saved your Presidency from joining to any extent in the great

mutiny of their Bengal neighbours, which it is clear they were disposed to do but for the dread of the consequences of such an act.”<sup>1</sup>

In another letter, written on 7th January 1858, the Duke makes the following acknowledgments of the ability and zeal of the administration of Lord Elphinstone during this trying period :—

“The account you give of your Presidency is, however, less encouraging than I had hoped, and no doubt there is still plenty of work\* in store for our troops. No man deserves our best support better than you do. You have exerted yourself in the most exemplary manner to render assistance to Bengal by the despatch of troops at considerable risk even to yourself, appreciating as you have done the greatness of the emergency, and rightly judging that it was better to run considerable risk for the good of the empire. You have further made the most judicious arrangements to collect forces from the Cape and Mauritius, also horses ; and have supplied the means for transporting them, and you have thus evinced not only a zeal but a capacity which is highly appreciated, I know, by the country and by the government. . . . You know I am always glad to hear from you whenever you can spare time for a line to me ; and whatever I can do to further your views or wishes I shall be always too happy to attend to.”<sup>2</sup>

The last excerpt from the letters of the Duke of Cambridge referring to Lord Elphinstone to be given here is dated July 3rd, 1859, after the mutiny was suppressed. It refers to the debate on the vote of thanks in parliament. The letter proceeds :—

“As regards yourself, I need not, I hope, assure you that I felt a real pleasure in bearing my tribute to the great powers of government and organisation which you have displayed in these eventful times, and indeed it was a pleasure to feel that I was performing an act of duty by one of my very oldest and best friends.”<sup>3</sup>

Lord Elphinstone was rewarded with the approbation of the government, and the formal thanks of parliament. He obtained the Grand Cross of the

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.* In this letter the Duke of Cambridge says—“The death of

poor Havelock is a serious national misfortune, though it does not surprise me after all the anxieties and exertions he has recently gone through.”

<sup>3</sup> Original letter, *ibid.*

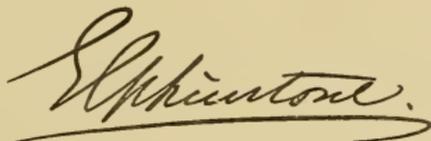
Civil Division of the Order of the Bath. He was likewise made a peer of the United Kingdom by the name, style and title of Baron Elphinstone of Elphinstone, in the county of Stirling. The letters-patent granting the peerage were to be a sufficient investiture of the dignity, and this without any investiture, rites or ceremonies whatsoever, due or accustomed, which, as the patent bears, for "some certain reasons best known to us we could not in due manner do." The patent is dated at Westminster, 21st May, and twenty-second year of the Queen's reign [1859].<sup>1</sup>

When Lord Elphinstone's term of office in Bombay had expired the government made a formal request to him to prolong his stay in India. This itself was an official acknowledgment of the value and importance of his services. In complying with the request, however, his health gave way. His Excellency, in the beginning of 1860, resorted to the hills, where he seemed to obtain complete recovery. He was now able to take riding exercise, and to attend to business. He returned to England in the summer, and reached London on 12th June, after a trying voyage. He intended to resort for a time to the German spas, but his health was so broken down that he renounced this intention. His weakness rapidly increased. In the presence of Colonel Bates, his former military secretary, Mr. Adam, who had all through his Bombay career been his private secretary, and Dr. Peele, a former friend and medical attendant in India, Lord Elphinstone died at his residence 29 King Street, St. James's, London, on 19th July 1860, at the age of fifty-three. Being unmarried, Lord Elphinstone's British peerage, which was limited to himself and the heirs-male of his body, became extinct. His Scottish peerage devolved upon his cousin, John Elphinstone Fleming, only son of Admiral the Honourable Charles Elphinstone Fleming of Biggar and Cumbernauld, son of John, eleventh Lord Elphinstone. John, the fourteenth Lord, only enjoyed the peerage for about six months. Dying unmarried, he was succeeded as fifteenth Lord Elphinstone by his cousin, William Buller Fuller-

<sup>1</sup> Original patent in Elphinstone charter-chest.

ton Elphinstone of Elphinstone and Carberry. His descent is shown in the line of Elphinstone and Carberry.

The will of John, thirteenth Lord Elphinstone, bears date 18th July 1860, the day before his death; and in it he constitutes William Fullerton Elphinstone of Carberry, and three other relatives and personal friends, his trustees and sole executors. His lordship, as already explained in the notice of John Elphinstone Fleming, fourteenth Lord Elphinstone, provided the latter with an alimentary allowance of £1000 annually for life, to maintain the dignity and title of Lord Elphinstone. He also provided by his will that his trustees and executors should, during the life of his successor John Fleming, keep in their possession the presentation plate belonging to the testator, and at the death of John Fleming make it over to the heir then entitled to succeed to the title and dignity of Baron Elphinstone at his majority.

A handwritten signature in cursive script, appearing to read 'J. Elphinstone', with a long horizontal flourish underneath.







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