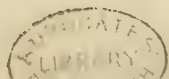


GENEALOGIE
OF THE
HAYES OF TWEEDDALE,

BY
FATHER RICHARD AUGUSTIN HAY,
PRIOR OF ST. PIEREMONT,
INCLUDING MEMOIRS OF HIS OWN TIMES.



EDINBURGH:
THOMAS G. STEVENSON, 87, PRINCES STREET,
M. DCCCXXXV.



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INTRODUCTORY NOTICE.



THE Genealogie of the Family of Haye of Tweeddale was compiled by Richard Augustin Hay, Canon Regular (as he designed himself) of "St. Genovefs of Paris," and "Prior of St. Pieremont," and occurs in one of the volumes of his MS. collections belonging to the Faculty of Advocates. Being himself a descendant of that family, and in direct succession to a part of the honours, his Memoir, in the latter portion of it, is, from its minuteness, of considerable importance. Its interest does not so much arise from the genealogical researches of the author, as from the historical details which he has preserved of Scottish affairs from the period of the Restoration to the Revolution, which are extremely curious, and, on that account, well worthy of publication. Nor is

the very particular account he gives of himself and his fortunes to be overlooked, in forming a proper estimate of the value of the work, as, excepting from this source, no materials are elsewhere to be found which could throw much light upon the biography of one of our earliest Scottish antiquaries.

Referring to the "Genealogie" itself for an account of the writer down to the year 1700, a few brief notices have been collected relative to his later fortunes, and it is to be regretted that they are not more ample; but it has happened with him as with many other Scottish authors of that period, that, excepting their works, little else remains to satisfy curiosity.

In the year 1712 Father Hay addressed a letter in French to the Duke of Perth upon the subject of Dr. Mathew Kennedy's theory of the Irish origin of the family of Stewart. This gave rise to a rejoinder on the part of Kennedy, and both letter and answer were published in small 8vo. Paris, 1715. The following is the title of this little work, which is of great rarity. "Reponse de Mathieu Kennedy, Auteur de la Dissertation Chronologique, Genealogique, et Historique, de la Famille Royale des Stuarts, à une lettre que le Pere de la Haye, Religieux Ecossois de l'ordre de Sainte Genevieve, se disant Prieur de Saint Pieremont, a écrite a My lord Duc de Perth, du 4 Septembre 1712; laquelle Reponse est adressee en forme de Lettre au dit de la Haye, avec la lettre du Pere de la Haye."

The exact time of Hay's return to Scotland has not been ascertained; but in the year 1719, while residing in Edinburgh, he issued the following

PROPOSALS

For Printing

THE CHRONICLE of *John Fordun*, with the Additions and Continuation of *Walter Bowmaker*, Abbot of *Inch-Colm*. Containing the memorable Things which happened in every Year, since our first Rise, to King *James* the First's Death.

Conform to an Authentick Manuscript, belonging of old to one of our decay'd Monasteries.

With several Notes, for clearing the dark Parts of our History.

By Mr. *R. Hay*.

The TITLE as Follows.

Scoti=chronicon

Sive

JOHANNIS FORDUNI, de Rebus apud *Scotos* gestis, a primo Gentis Conditore, ad Exitum *Davidis* primi, Regis, Libri Octo.

Quibus accedunt.

WALTERI, Monasterii, D. COLUMBÆ, in *Æmona* Insula, Abbatis, Historiarum Libri 32.

Ab Anno Christianæ Salutis 1153, quo Anno *David* Rex, gravi Morbo absumptus est *Kaerleoli*, ad *Jacobi* primi Regis Interitum.

Ex M. S. Codice B. M. de CUPRO, Cisterciensis Instituti, nunc primum editi.

O P E R A

RICHARDI HAYI *Edinburgeni.*

Cum Indice Rerum & Verborum Alphabetico ad Calcem Notarum.

I shall say little here, in Recommendation of those Authors, only that they have written with so much Integrity and Knowledge, that they have been received with great Applause in the World. *Augustinus Ticinensis*, who lived in 1500. cites them frequently. *In progressu Canon. Regul. and Bremom Domet.* hath translated them faithfully into *French*, in 1519. at the desire of *John Duke of Albany.*

They were so much esteemed at Home, that there were Copies, or Abstracts thereof, carefully preserved in the most Part of our Monasteries, and Places of Remark, from whence they borrowed their Sirname.

Such were those of *Paisley, Scoon, Pluscardin, Dumfries, Perth, Melross, Holyroodhouse, Dunkelden, St. Andrews, Glasgow, Coupar, Dumblain, Kinross, Hamilton, Roslin, &c.*

Nevertheless, none hath attempted hitherto, to publish those valuable Patterns of our History, except *Dr. Gale*, Dean of *York*, who hath given us a lame Edition of the *Scoti-Chronicon* at *Oxford*, 1691, amongst the Writers of the *English Affairs*, drawn out of a scurvy Copy, which he fancies to have belonged to *Boetius.*

The Book I offer here to the View and Sight of the World, is of a different Nature. It is a large *Folio*, written in old, but in glorious Characters; it is more ample, and more compleat, than any of those Manuscripts I have found scattered Abroad, or met with at home. It contains the full History of *Fordun*, and his Continuator. And consequently, the Foundation of our Bishopricks, Monasteries, and other devout Places, with a Series of their religious Governors. Severall Bulls, Charters, Transactions, Letters, Treaties, Confederacies, with forreign Princes. The *Charta aurea* of *John King of England.* *King Richard's* Renunciation of the Homage for *Scotland.* The Debate betwixt the

Balliol and the *Bruce*, after King *Alexander* the 3d's Death. King *Edward's* Consultations, anent their claim. King *John's* Renunciation of the Crown, in Favours of *Edward*. The Instructions of the *Scots* to their Ambassadors at *Rome*. *Baldredus* his Processes at Pope *Boniface* his Court, *contra Figmenta Anglorum*. And *Baston's* Verses on the Battle of *Bannockburn*. With several other ancient Deeds and Documents above all Value, omitted by, or unknown to, our Modern Writers.

Many Persons of an eminent Character have appeared desirous to have it printed, because what Copies thereof were carried to *England*, *France*, *Flanders*, *Italy*, and elsewhere, during the Heat of the Reformation, or our late Disturbances, are properly lost for us. And what remain in the Country, in private Hands, or in particular Libraries, are of no Use to the Publick, whilst they are shut up, and as if it were hidden in obscure Places, where scarce any Number of Men of an Ordinar Capacity are allowed Access.

Therfor I have been willing to publish this Manuscript, with several Notes, for the greater Intelligence of our History, and a large Preface, where I shall give an exact Account of the Fate and Fortune of the most Part of the others, transcribed by different Hands, in former Ages, with whom I have compared this Original.

The Charges and Expences of publishing this Book, will be certainly considerable. So those that are pleased to further and incourage this Enterprize, are desired to pay Ten Shillings *Sterling* at subscribing, and as much at the Delivery of the printed Copy, which will prove a good *Folio*, on Fine Paper, and in good Characters. And will consist of 160 Sheet and Above.

Their Names and Designations shall be insert in the Front, and their respective Houses or Families, shall be kindly remembered in the Notes.

As to the Subscriptions, they are to be taken by the Author, at his Lodging in *Howison's* Land in the *Potteraw*. By Mr. *John Mackenzie* of *Delvin*, at his Lodging in the Parliament Close. By Mr. *Henry*

Massie, Merchant, near the Foot of *Blackfriar-Wynd*. By Mr. *William Adams*, Printer over against the Tron-Church. By Mr. *Ruddiman* in the Advocates Library. Who shall deliver to the Persons concerned, the Author's Obligation, to have the compleat Copy remitted to them about the End of the following Year 1720. they paying Ten Shillings more at the Time appointed. *

The MS. which Father Hay proposed to make use of is thus noticed in a note on a passage in his *Vindication of Elizabeth More*.†

“ This book is a large folio, of Bowmaker, written at Inchcolm, in glorious characters. It belonged to the Abbay of Cowpar, afterwards to Sir William Saintclair, Lord-Justice-General. Sir Lewis Stewart purchased it, after the Castle of Roslin was surrendered to General Monk; and falling to his son, it was lent by my aunt, Lady Kettlestoun, his spouse, to Mr. Andrew Hay, my uncle, not my father, as the Lord Bishop of Carlisle calls him, p. 97 of his Scots Historical Library ;‡ my father,

* From the original in possession of the Editor.

† *Scotia Rediviva*, p. 126.

‡ “ Such another” (almost exact copy of Fordun) “ is the *Liber Beatae Mariæ de Cupro*, which was given by the Lady Kettleston to her brother, Mr. Andrew Hay, who had it taken from him by the rabble in 1688. It has since been recovered, and is in the possession of (his son) Mr. Richard Hay, a Canon Regular, beyond the seas.” *Historical Library*, (Scotish) p. 27, London, 1776, 4to. This MS. now belongs to the Faculty of Advocates, and certainly merits Hay's designation as a “ glorious” one. It is in the finest state of preservation ; the first leaf is written on vellum, and the rest on paper, and it consists of 440 pages. The end, however, is wanting: the last entry being “ Anno

being Captain George Hay, a younger son of Sir John Hay, Lord Register, and my mother, Dame Jean Spotiswood, Lady Roslin, daughter to Sir Henry Spotiswood, High Sheriff of Dublin, Gentleman of the Green Cloth. I recovered it from the rabble, and carried it beyond seas. It is more complete than any manuscript I have found abroad or met with at home, and will shortly be published." It was, however, *not* published, probably owing to Hearn's excellent edition, which came out in 5 volumes, Oxford, 1722, 8vo. In 1759, a new edition, edited by Walter Goodal, 2 vols. folio, appeared, the text of which was formed principally from the MS. described by Archbishop Nicholson, (p. 25, edit. 1776,) in possession of the University of Edinburgh.

Father Hay published, in the year 1722, his essay on the Origine of the Royal Family of the Stewarts, which is merely a translation of the French letter to Kennedy, accompanied with an appendix of original charters, Edinburgh, 4to. It is dedicated to John Earl of Stair, and was reprinted at Edinburgh, in the year 1793, in small 4to.

The following year produced his "Vindication of Elizabeth More from being a concubine, and her children from the tache of

quo supra Johannes Quhyte, canonicus eiusdem electus est, xij kal. Junii in priorem cuique pro" Father Hay has prefixed a title,—and a Prologus "De varia fortuna hujus codicis manuscripti" is inserted, which is attested, as follows:—"Ex schedis Reverendi et Doctissimi admodum viri Richardi Augustini de la Haye a Bara, Prioris Fani Petri de Petrimonte et S. Privati Bituricensis, fideliter descripta per A[ndream] B[alfour?]" Bibliothecarium, Edinburgi, anno Domini MDCCCLXXVII."

Bastardy, confuting the critical observations of the publisher of the *Carta Authentica*, and of some other late writers." Edinburgh, 1723, 4to, dedicated to President Dalrymple. This treatise was reprinted by Mr. Robert Buchanan, bookseller, Edinburgh, 1826, 8vo, and forms the first article of his collection of tracts relative to Scotland, which he published under the title of "*Scotia Rediviva*." *

No other work appears subsequently to have been published by Father Hay, and the following extracts from letters of the indefatigable George Paton to Richard Gough, who was then collecting materials for his *Topography*, tend to shew that the latter days of this gentleman were embittered by penury.

1. Father, or Mr. Richard Hay of Drumboote, C[anon] R[egular], was alive in the year 1722 and 1723, when he printed his *Essay on the Origin of the Royal Family of the Stewarts* in answer to Dr. Kennedy's *Chronological, Genealogical, Historical Dissertation on the Family of the Stewarts*, and his *Vindication of Elizabeth More* from the imputation of being a concubine, &c. He was in this Town, and in no affluent circumstances, but rather needy, whether by choice of principle or otherwise I cannot positively affirm, [&] as yet can get no certain notice where or when he died.

Paton to Gough, 23d July 1779.

* This is a valuable book, and deserves to be better known. It met with but little encouragement upon its publication.

2. The Faculty of Advocates* “also bought Mr. Richard Hay’s MSS. much about the time of his decease, but it would seem no minute of this transaction seems to have been entered in their register, which has hitherto prevented my furnishing you with the date of his death, yet have not desisted my search, so expect to obtain it, tho’ not so early as may answer your purpose. Lord Auchinleck † was intimate with him. His Lordship being much afflicted with various complaints that have put many articles of his earlier days out of memory, this particular incident he cannot so truly recollect, [but] I do not despair of getting the intelligence.”

6th August 1779.

“ 3. Father Richard Hay, C. R. of Drumboote, (I am told by the present Laird of Spotswood of that ilk), died in the year 1735 or 1736, in the Cowgate of this Town, in very mean circumstances : he was a relation of Mr. Spotswood † with whom he was intimate, and [he] has some of his MS. notes or extracts from Chartularies, &c. that this clergyman took when in France or elsewhere. His writing is scarce legible. Spotswood is son of the Advocate who published many books on our Scots Law, and the account of our Scots Religious Houses : the Laird of Macfarlane so often mentioned in your anecdotes, (this present

* No traces can be found in the Minutes of Faculty of this purchase.

† Father of the celebrated Biographer of Johnson.

‡ The Hay MSS. contain a great deal of curious matter relative to the family of Spotiswood.

edition), was half-brother to the present Spotswood, and is a great Scots Antiquarian, as his brother the late Walter M'Farlane, Esq. was."

7th October 1779.*

Of the MSS. of Father Hay, now in the Library of the Faculty of Advocates, the following may be considered as an accurate list. They are not autograph, but appear to have been transcribed from materials and papers furnished by him to his amanuensis,—in one or two instances a leaf or two may be found written by Hay; but with this trifling exception, the volumes are entirely in the handwriting of one person, a foreigner undoubtedly, from the manner in which the text is pointed, and from the numerous mistakes in the proper names. A number of prints, chiefly of a religious description, have been inserted, merely for ornament, as they have no reference to any thing contained in the MSS.

1.—“ Ane account of the most renowned Churches, Bishopricks, Monasteries, and other devote places, from the first introducing of Christianity into Scotland, to the disturbances occasioned in that nation by the severall reformations of religion,

* It is with much pleasure that the Editor has to announce the intended publication of Gough's correspondence with Paton, by his friend W. B. D. D. Turnbull, Esq. a Gentleman from his acquirements eminently fitted for superintending such a work. These letters contain a mass of the most valuable particulars relative to the literary History of Scotland, and perhaps no collection of a similar nature exists possessing higher claims to public notice.

with a series of the several Bishops, Abbots, Priors, and other Religious Governours, written by Mr. Richard Augustin Hay, Cannon Regular of St. Genovefs of Paris, Prior of Sainte Piere-mont, &c. Tom. I, 1700. pp. 700.

Probably the first volume of the work to be immediately noticed, altho' the title is different. This is the more likely, as there is no second volume of the preceding, and no first volume of the succeeding article amongst the Hay MSS. in the Faculty Library.

2.—“ Hay's Memoirs, or a Collection of several things relating to the historical account of the most famed families of Scotland. Done by Mr. Richard Augustin Hay, Cannon Regular of Sainte Genovefs of Paris, Prior of Sainte Pieremont, &c.

Tome second,

Anno Domini 1700.”

Pp. 694. Index prefixed pp. 14.

This volume contains several beautiful pen and ink drawings of Roslin Castle, (in an entire state), and Chapel.

3.—“ Hay's Memoirs, or a Collection of several things relating to the historicall account of the most famed families of Scotland. Done by Mr. Richard Augustin Hay, Canon Regular of Sainte Genovefs of Paris, Prior of Sainte Pieremont, &c.

Tome third,

Anno Domini 1700.

Tota licet veteres exornent undique ceræ

Atria, nobilitas sola est, atque unica virtus.

pp. 648. Index prefixed, pp. 2.

Juvenal.”

At page 41 is inserted "*Duo Symbola*," upon the death of Anne Curtin, wife of John Anthony Memmius. These funeral poems, which consist of two printed leaves folio, are followed, p. 45, by a French printed tract, also in folio, entitled, "*Genealogie de l'illustre et ancienne Maison de haut et puissant Prince, my Lord Duc de Gourdon, Marquis de Huntly, Comte D'Ainzie, Siegneur des Provinces de Badenot et Lokaber, Baron de Stradoun, d'Auchindoun, de Strabolgy, &c. Pair d'Escosse, descendant par les Rois d'Escosse, des Rois d'Angleterre, des Rois des France, et d'autres Princes Souverains*," pp. 6. After the attestation by the Earl of Perth, (p. 50), of the authenticity of this Genealogy, dated at St. Germain, the 12th of January 1699, Father Hay has added in MS. a description of the Arms of Huntly and Sutherland. The MS. then recommences at page 51 with the Genealogy of the Family of Grahame. The Poems of Colonel Sir Henry Spottiswood are inserted at page 165, and continue to page 209.

At the end of the volume there are two printed tracts (folio) viz.

1.—"*De origine et progressu Congregationis Canonicorum Regularium Ordinis Sancti Augustini in Gallia. Nec non nomina Superiorum Generalium, qui huic præfuerunt, et Monasteriorum quæ illi subsunt*," pp. 6.

2.—"*Elogium Cardinalis Julii Mazarini apologeticum seu Historiæ Gallico-Mazarinæ compendium. Authore Nicolao Charpy a Sancta cruce status Conciliario.*

Parisiis e typographia regia 1658," pp. 36.

On the last page, containing the imprint, is a MS. Epitaph on the Cardinal, which is followed by a brief genealogical notice relative to his nieces and their issue.

4.—“ *Diplomatum veterum collectio ad res sacras et politicas illustrandas, accomodata, partim ex cænobiorum et collegiorum scriniis desumpta, partim ex archivis Edinburgenæ Civitatis, et aliunde deprompta. Opera Richardi Augustini de la Haye, alias Hay, a Bara, Scoti, Canonici Regularis Divæ Genovefæ Parisiensis, ad institutum Divi Augustini, Prioris fani Petri de Petrimonde ad Altum fluvium, &c. Anno 1696.*

Tomus Primus. Continens

Diplomata Abbatiae Beatæ Marie de Newbottle Ordinis Cisterciensis ad Escam Meridionalem in Laudonia, altero ab Dalketho Lapide.

Diplomata Sanctæ Crucis in suburbio Edinburgo Ordinis Canon : Sancti Augustini.

Diplomata Ecclesiæ Collegiatae beati Ægydii ejusdem Civitatis.

Diplomata item varia aliarum Ecclesiarum, &c.”

Pp. 531, with page of MS. before title, apparently in Father Hay's own hand. There are also the following introductory articles.

1. Notes upon successions of Churchmen, pp. 4.

2. Notes upon St. Anthony of Vienne, pp. 2.

And Index, pp. 20.

5.—“ *Diplomatum veterum Collectio ad res Sacras et pro-*

phanas emendendas accomodata, e Cænobiorum archyvis desumpta. Opera Richardi Augustini de La Haye, &c.

Anno Domini 1696.

Tomus Secundus. Continens diplomata Abbatiae Divi Thomae de Aberbroth: ordinis Tyronensis ad institutum Benedicti Patris, juxta rubrum Promontorium in Angusia," pp. 552. Index, pp. 30.

6.—"Diplomatum veterum Collectio, ad res sacras et phanas emendendas accomodata, e Cænobiorum archyvis desumpta. Opera, &c.

Anno Domini 1696.

Tomus Tertius. Continens diplomata Abbatiae Palsætensis quam Walterus filius Alani, senescallus Scotiae posuit monachis Cluniacensis, instituti ad Cartam amnem in agro Renfroano circa annum 1168, &c. Pp. 590. With MS. Index prefixed, pp. 20.

To these MSS. may be added the copy of Fordun previously referred to, which, the following extract from the "prologus,"* Father Hay appears to have given to the Faculty of Advocates in the year 1728.

"Pace tandem inter Ludovicum Magnum et Annam Magnae Britanniae Reginam sacramento firmata, post xxxvii annorum perigrinationem, suadente illustri viro Johanne de Ribberolles Macenate meo, et insignis Ecclesiae Divae Genovefæ Parisiis Abbate, in patriam reversus, perlustrata Gallia, codicem meum

* See note, p. vii.

Hayanum, quem pravis consultoribus impulsus, decreveram apud exteros Collocare, Bibliothecæ huic Juridicæ Edinburgi addixi et consecravi, anno partæ per Christum salutis MDCCXXVIII, decimo septimo Calendas Septembres, qui dies mihi natalis est, ut extaret apud posteros æternum amoris mei et obsequii testimonium, erga viros utriusque juris peritos, qui in ea, magna cum laude, et doctrinæ atque æquitalis opinione, versantur."

That the Historical and Genealogical portions of the "Memoirs" are valuable, is undoubted; for although far from accurate in the early portions of the narrative, this is more than redeemed by the importance of the matter amassed by the writer, relative to events immediately preceding his own times, or cotemporary therewith. For a Catholic of that period, he is remarkably moderate,—indeed, he is by no means inclined to overlook the faults of his brethren, and as the Reader will afterwards see, the "Jesuwits," as he terms them, come in for no small share of his animadversions. What is equally singular, he appears to have been no believer in the fables with which it was the fashion of those days to obscure Scottish History, and he gives a remarkable instance of this, in his contraverting the then generally received romance of the descent of his own family from the imaginary hero of Luncarty,—a proceeding on his part which many of the name would reckon little short of heresy.

To the "Genealogie of the Hayes of Tweeddale," have been added various illustrative papers, amongst which will be found

a very interesting account of the trial of the second Lord Balmerino, for concealing what was considered by the Crown to be a seditious libel. Upon this occasion, Father Hay's grandfather, the Lord Register, acted in the most violent and unbecoming manner, and with a degree of sanguinary rapacity, and Court subserviency, perfectly disgusting, so much so, that one becomes quite reconciled to the annoyances to which Sir John was subsequently subjected.*

The murder of Sir George Lockhart by John Chiesly of Dalry, is more minutely described by Father Hay than by any other writer, and the account of it is singularly interesting. In the Appendix have been inserted various particulars relative to Chiesly and his descendants.

* See Genealogie, p. 41.

EDINBURGH, April 1835.

ed: with notes by James Macdonald

GENEALOGIE

OF THE

HAYES OF TWEEDDALE.



UCHANAN in Vita Kennethi Tertii, p. 187,* speaking of the Battle of Loncarty, hath what follows:—Fuisset profecto illa dies longe Scotis funestissima, nisi, velut divinitus, per unum hominem, in re prope desperata, fuisset oblatum auxilium. Colebat forte agrum propinquum, per quem plurimi fugiebant, homo plebeius, cognomento Hajus, cum duobus una filiis: qui cum corporis animique viribus magnis essent, nec minore in patriam caritate, pater jugo filii, quod cuique in promptu fuit, pro armis accepto, ubi densissimum fugientium agmen conspexerunt, obviam loco angusto profecti, primum conviciis, deinde minis, fugientes sistere conantur. His ubi nihil proficiunt, proximos feriunt, se quoque vociferantes, adversus fugientes Danos futuros. Ad hæc timidiores consistunt: fortiores, qui, non tam metu, quam turba suorum abrepti, terga verterant ad eos se aggregant, clamantes, auxilium adesse. Ita totum agmen in hostem convertunt: et Danos non minus trepida, quam ipsi venerant, fuga retro ad suos compellunt. Ad hanc Danorum trepidationem agasones, et imbellis agrestium turba, sublato clamore, speciem novi ex-

* Rerum Scotticaram Historia. Ultrajecti, apud P. Elzevirium, 1668, 8vo.

ercitus præbuere. Ea res tantum animi Scotis, et formidinis Danis attulit, ut alteros, de salute desperantes, erexerit, alteris, pro sperata victoria, certam calamitatem attulerit. Hæc est illa victoria, ad Longcartem vicum parta, illo et aliquot proximis diebus, summa lætitia ad posteros perpetua fama celebrata. Cum spolia victores dividerent, Hajus in omnium ore erat. Multi homines honesti testificabantur, se videsse, quacunque ille cum liberis impressionem fecisset, ibi nostrorum ordines restitutos, et hostilem aciem, velut ruina impulsam. Omnes denique uno ore, prædam, victoriam, famam, salutem se eis debere, fatebantur. Hajus ad Regem perductus, modeste de se locutus, splendida vestes sibi et filiis oblatas, ut conspectiores Bertham ingrederentur, renuit: ac tantum, absterso pulvere, quotidiano amiculo indutus, jugumque, quo erat in prælio usus, ferens, multis a Rege anteire ac satis magno intervallo sequi jussis, multis ad novi generis spectaculum accurrentibus, urbem ingreditur: omniumque ora et oculos in se unum convertit ac solus prope omnem illius diei celebritatem tulit. Post Danorum discessum, ocio præter spem tam cito parto, in conventu procerum, qui ad Sconam post paucos dies est habitus, nihil prius, quam de Haji, filiorumque ejus honoribus et præmiis est actum. Ager eis datus, unus prope totius Scotiæ fertilissimus, quem adhuc eorum posteri tenent: nunc in multas opulentas familias propagati: ipsi e plebe in ordinem nobilium relati. Insignia ferenda, uti mos est nobilitati, data sartum argenteum, in cujus solo tria scuta rubricata insunt. Quæ insignia hoc (opinor) indicant, salutem publicam, trium hominum singulari in prælio virtute, fuisse defensam.

This account is certainly fabulous in all its circumstances. First, it is not probable that three men of no repute, should have stopt a whole army while flying. Secondly, it cannot be supposed that three men, who had no other weapons but the yoakes of their oxen, should have rushed themselves amongst a number of troupes, well armed, and encouraged by several considerable advantages obtained against the Scots and English. Thirdly, Our old manuscripts make no mention of this Hay. Fourthly,

There were no settled arms in those times in which Buchanan supposes the King to have granted him his scutcheon. Fifthly, The name of the Familie is not Hay, as Boetius asserts, but De La Haye, or La Haya, as can be justified by our old records. It is much more probable that the Hayes came from Normandy, for we find in ane old manuscript, written on parchment, which is kept in the Library of the Cathedrall Church of Baeyux, and in ane ancient Catalogue of the Nobility of Normandie, who went to the holy land with Robert Courtheuze Duke of Normandie, and Godfrey Duke of Boulogne, Maitre Jean de la Haye de Moubray, whose scutcheon is blazon'd or a saultur azure, with a lambel, gules; Maitre Guillaume de la Haye de Neahon, or, a saulter, azure; Maitre Jean de la Haye d'Erondeville, as before, with a lambe argent upon the saultur; M^{re} Guillaume de la Haye, his sone, as before, with a lambel Gueules; M^{re} Jean de la Haye, his brother, as before, with a quarter geueules, and six mesles argent; M^{re} Jean de la Haye, gueules, with three losanes, or; Maitre Jean de la Haye Hue, argent, with three scutcheones, gueules; M^{re} Hue de la Haye de Villebadin, gueules, three scutcheons argent, Greneté, or; M^{re} Jean de la Haye D'Agneaux, as before, a quarter of cowlonces, which is Fessé argent and azure of six pieces. Now, from Normandie they came into England with the Conquerour, where they possessed vast inheritances, as may be seen by the Monasticum Anglicanum, printed by Dugdale, where Symon de Haye, dat hospitali sancti Johannis, Ecclesiam de Kylmaynloke, in Anglia.

Augot de la Haye, Lord of Borewelle, Magna Carleton, gives to the Church of the Abbacy of Selve, ultra mare, what lands lay near to the Church of Great Carleton, and other lands to Heugh Bardalf.

In charta confirmationis terrarum Abbatiae de Barlinges, in agro Lincolnensi, per Henricum Secundum Regem, Radulfus de Haya, senior, ex concessione Richardi de Haya, fratris, donat locum de Oxeneye et villam Berlinges, Premonstratensibus, ad fundandam Abbatiam de Berlinges, cui Galfridus de Haya, duo molendina, quatuor Bovatas terræ, in villa de

Walmesgarre, et duas bovatas terræ, in villa de Thorp, juxta Kirkby-Malesard donat. Mon. Angl. Tom. 2. Pag. 643.

ROBERTUS DE HAYA, Ecclesiæ et monachis sanctissimæ trinitatis de Exaquio, in Normannia, et Muriella, uxor ejus, Henrico Secundo Rege, confirmant concessionem Ecclesiæ in villa Sanctæ Opportunæ, ex dono Trustini Haldup, et confirmatione Richardi et Radulphi Hay filiorum. Idem Robertus de Haya, confert Terram Pipini.

RICHARDUS DE HAYA, eidem cænobio dat, ecclesiam Sancti Martini de Ansgovilla, et ecclesiam sancti Martini de Britevilla, decimam molendinorum de Monte acuto, et Bertanvilla, et Eudonis villa, ecclesias Sancti Nicolai de Foliata, et Sancti Quirini de Plesseio, in Normannia. In Anglia vero confert Ecclesias de Boxgrava in Sussexia, de Brotabi Callatona decimam denariorum suorum de Maneriis de Broteby, de Felingcham, de Rison, de Suthoria, de Hattone, et de Scortona: et Monachis, apud Boxgrawam in Sussexia, commorantibus, undecem hydas terræ, et decimam nemoris ad ignem et ædificia mensuram furmenti, quæ vocatur cherchet, de omnibus maneriis suis. Item, ecclesias Sancti Leodegarii, de Honestan, de Budeham, Sanctæ Mariæ de Waborgotono, Sanctæ Mariæ de Berneham, Sanctæ Katharinæ, quæ est sita super Tamesim et ecclesias Sancti Georgi de Bantona, et de Caden. Item, decimam frumenti sui et avenæ, de Britevilla. Uxor Richardi de Haya, erat Mathildis, quæ ecclesiam de Waringebet, cum decimis, dedit eidem Monasterio. Rudulfus frater Richardi de Haya, nominatur in charta Henrici Secundi, facta Abbatie de Exaqueio. Præfati Richardus de Haya et Mathildis uxor, Abbatie Canonicorum Sancti Nicolai de Blankelanda in Normannia, dant cellam de Cambringham, in comitatu Lincolnæ, quod donum, Nicolaa de Haya, eorum filia, in viduitate constituta confirmavit.

In a charter of Peter, sone to Peter de Malo-lacu, granted to the Monastery of Ellerton, ordinis Sympringhamensis in agro Eboracensi,

amongst other donations, I find, *West-Milne cum pertinentiis et quatuor Bovatas terræ quas Germanus Haye, debet defendere.*

In ane indenture made betwixt the Prior of Ellerton and Germanus Haye, advocatum ejusdem Prioratus, it is said, that whereas the Prior of the said place, by the foundation, was engaged to entertain thirteen poor, of which the said German presented one, as it was granted to his predecessor, they order and grant, quod prædictus Germanus et hæredes et assignati sui, domini manerii de Aghton, præsentabunt prædictis Priori et conventui, octo pauperes, de tresdecem, ad libitum, ultra prædictum pauperem, per præfatum Germanum præsentandum, et quod discedente aliquo, de dictis novem, alium, loco defuncti præsentare possint. Item, si quid substrahatur a dictis pauperibus, in primaria ordinatione, concessum per monitionem præfati Germani et hæredum, Dominorum de Aghton, infra mensem, emendetur. Si vero emendare aut pauperes recipere noluerint prædictus, Prior et conventus, Domini de Aghton tresdecem pauperes successive præsentabunt. Item, concedunt antedicto Germano, et Alisiæ Uxori, unum obitum post decessum eorum, perpetuis temporibus, in Ecclesia de Ellerton, celebrandum, viz. cum placebo et dirige, et missa pro defunctis, cum nota et solemnitate, per Priorem, die quo contingat, ipsos decedere, aut si sit e solemnioribus, feria proxima sequenti, quæ si neglexerunt Prior et Conventus, tenebuntur Dominis de Aghton in decem libris Sterlingorum soluendorum, pro quolibet paupere præsentato et non admisso, et pro quolibet obitu non celebrato. Datum apud Ellerton die decimo Aprilis, Anno 1387.

ROBERTUS DE HAYA, of whom we spake before, is witness to a charter of Henry the First, confirming severall donations, made Sancto Stephano de Cadamo, and to ane other charter of the same, confirming Cænobia Cæsariensi certam Ecclesiam inveteratam 1120. Richardus de Haya et Mathildis, uxor dant Abbatiae Sancti Nicolai de Blancalanda, infra ducatum Normanniæ, villam Cambringham in comitatu Lincolnia, ubi post

cella fact est de Blancalanda, liberam ab omni jure et exactionibus. Temporibus Roberti, Episcopi Lincolnensis, Nicolaa de Haya, filia præfatorum Richardi et Mathildis, in viduitate posita, domum prædictam et alias terras de feodo suo, Abbatiae de Blancalanda, concessas confirmat. Richardus de Haya, laudat pactum inter Joslenum D'Englesbi, et Canonicos de Blankelanda, de Molendino de Welletane, quod ipse de se tenebat, pro decem solidis solidis annuatim reddendis, quos prædictus Richardus, concedit Abbatiae de Blankelanda, page 1015, Tom. 2, Mon. Angl.

WALTERUS DE HAYA is witness to a confirmation of some lands, made Abbatiae Cirinensi, in Episcopatu Ebroicensi in Normannia, temporibus Gilberti Hertfordiensis, Episcopi, by Robertus de Candos. In a charter of Edward the Third, confirming severall donations to the Monastery of Stodeley, in agro Warwicensi, he confirms Nemus inter terram Alani, et terram Rogeri de la Haye, et terram Roberti Meriam. Johannes de Haya, filius Johannis de Haya, fundavit Prioratum de Burewelle, in Agro Lincolnienici, qui quidem Prioratus fuit Cella Monasterii Sanctæ Mariæ, Sylvæ Majoris.

ROGER DES HAIS, RAWOL DE LA HAYE. ESTIENNE DE LA HAYE, and GUILLIAUME HAY, are mentioned in a catalogue of the nobility that did fealty to King Phillippus Augustus, amongst the 119 gentlemen that held out the mountain of Saint Michael in Normandie, Montem Sancti Michaelis in periculo Maris, against the English. Anno 1423, we find mentioned, Andreas de La Haye du Puis, Le Sieur de La Haye Daronde, Le Sieur de La Haye Hue, whose arms were drawn, as also their names, upon the walls of the church in 1427.

Jacobus Augustus Thuanus, lib. 44, ad annum 1568, speaking of the siege [of] Salmure, hath what follows:—Andelotus florentis fanum proximum oppido (nempe Salmuriæ) cænobium situ et præsidio 200 militum

firmum expugnandum suscipit. Post paucorum dierum obsidionem, Haius qui loco præerat, cum se arbitrio Andeloti dedisset cum suis omnibus trucedatus est, recenti adhuc Mirabellensis cædis sensu. It. lib. 45, ad annum 1569, page 383, tom. 2. Parte altera, Johannes Haius Pictavii urbis Prætor, homo impiger et supra sortem ambitiosus, quod illi tandem exitium attulit. Sex urbanorum peditum cohortibus præfuit, dum urbs a Guisio teneretur adversus protestantes. Is dictim eam obsidionem descripsit, et postea sub alieno nomine publicandam curavit, anno 1569. In his 216 page, there is an Epitaph of one Renatus de La Haye in 20 verse. Renati Haie Bordelerii, centurionis e Ludæi comitis cohorte, qui in arce Lusigniaci, quam perduelles insidiis et proditione legati et signiferi Guronis, præfecti arcis cæperunt, recuperanda sulphurei pulveris igniti flammis tota facie, et altera manu semiustulatus, et dum hostes aditu posticæ arcis januæ prohibet, saxi mole, e summa turri obtritrus, concusso et fracto craneo, decimo quinto die post receptam arcem, obiit, mense Februario 1569. The same Thuanus, speaking of him, page 386, says, ejus cura provisum, ut sauciati diligenter curarentur, præter chirurgos fæminis summa sedulitate ac humanitate, medicamenta et omnia ad agrotorum curationem et victum necessaria expedientibus. This John de La Haye was Baron de Coutaulx in Poictu, advocat, and afterwards Lieutenant-General of the Seneschaulce of Poictu, he design'd to be either president of that country, or to cause suppress the employment; but he was opposed by the Comte of Lude and the Sieur de La Nowe, who commanded the Hugonets. He espoused La Dame du La Roussiere-Girarde, and apply'd himself much to the reading of manuscripts, and compos'd the Memoirs or Recherches de La France, et de La Gaule Aquitanie, which were printed 1581 by Jean Parant, Rue Saint Jacques. They were found in a sack of leather by a craftsman called Le Provensal, while he was besieged by the citizens of Poitiers in his house, nam'd de la Begaudiere, a league distant from the city, there he was killed and carried to Poitiers, where a scholar of that place drew them out of the hands of the trades-

man, and caus'd print them thereafter. In the first chapter, he says he is a gentleman, and speaks of the houses De La Haye de Passavant, de Mortagne, du Puis, and of the Hayes of Montbault. He mentions one Johannes de Haya, page 92, witness to a charter, Guidonis de Thoarcyo, grandchilde to Arnoldus Castellaneus de Thouars, in favours of the church Beatae Mariæ et Sanctorum Apostolorum in foro castri mei. He asserts, page 129, that William, the fourth Earle of Poiutou, and fifth Duke of Aquitanie, who institut the Guillemius or Blanc-Mantaux, and died about 1160, married Jean, daughter to the King of Scotland, upon whom he begot only two daughters, Leonor, who espoused Lowis the Seventh King of France, and was afterwards seperat from her by a nationall counsell held at Beaugency, by reason of their proximity of blood. This Lowis had by this lady two daughters, viz. Mary, wife to Henry Earle of Champagyne, and Alix, wife to Thibault, Earle of Blois, the one and other, sons to Thibault, Earle of Champagyne and Blois. After this seperation, King Lowis espous'd Constance, daughter to the King of Castile, and at last a daughter of the forsaid Thibault Earl of Champagyne and Blois and Leonor, espous'd Henry, sone to Geofroey Earle of Angers and Maine, and Mauld, daughter to Henry the First King of England, who bore to him Richard Cœur du Lyone, Duke of Aquitanie, and King of England. Henry Duke of Normandie, Godfrey Earle of Richemond, who espous'd Constance, heir to Conon Earle of Brittanie. Alionor or Leonor died in the castle of Mirebau, her heart was carried to Saint Hilars in Poitiers, and her body was interr'd at Frontervaux. Perronelle, whom some call Alix, married Raoul Earle of Wermandois, and thereafter Stephen Earl of Bologne and Mortagne, who became King of England in right of his mother, Adella, sister to Henry First King of England.

Mr. P. du Valle in vita Caroli Septimi, pag. 260, Epitome Annalium, writts that John of Harcourt, Compte of Aumale, Governour of Anjou,

defeated the English near a place called de la Gravelle, whilst they were spoiling the countrey, being assisted by John de la Haye, Baron of Colouche, a Norman, and severall others, his followers.

Having shown demonstratively, that near to those times wherin the battle of Loncarty was fought, there were considerable families of the Hays, or de la Haye, and that in succeeding adges they got vast estats in England, where they settled under the Conquerour, its easie now to infer, that those of that surname who enjoy considerable fortunes in Scotland, came originally from England, about the times of Malcolme the Fourth, or King William, who resorted frequently into England upon the accompt of privat or publick affairs, and possessed there the county of Huntingtone. Now, either a privat interest of those kings might have engaged them, to carry alongst those gentlemen who were well experienced in wars, and settled them in Scotland, where they might be usefull for them against the natives, who were constantly vexing them on the one or other part of the countrey. Or else the rulè of policy to ingratiate themselves with the English, amongst whom these kings had prodigious fortunes, which could not be done more solidly then as bestowing on their children in Scotland several considerable beings [livings?]. Or perhaps necessity itself might have compelled them to introduce strangers into Scotland, seeing that many thousands of the natives had been put to the sword in severall rencounters. This conjecture appears the more solid, that Malcolm the Fourth destroyed intirely the people of Murray, and William wasted frequently Galloway, Ross, Caithness, and other countreys. I shall here also add one other reflexion that I have observed by many old charters which I have perus'd, that the most part of our ancient families have their rise and beginning under those kings, and are found donators or witnesses to the Monastries of England,—in Dugdale's Monasticon, and other Cartulars, a little before the Reign of those two Kings: which proves invincibly that such sur-

names in Scotland, as have settled in succeeding adges, were originally established in England, and from thence brought to Scotland.

Yet Sir George M'Kenzie tells us that the Hays predecessor was a labourer at the battle of Loncarty under Kenned the Third, about 980, and there, with his two sons, he compelled the Scots, who were flying, to turn again and renew the fight, where the Scots obtained a glorious victory over the Danes, for which Hay was raised to the degree of nobility, and got the Barony of Errol, and as much lands in the Carse of Gowry as a falcon might (did) fly over unlighting, and for Coat of Arms, a Shield Argent, with three Escutcheons Gules. This story Sir George hath borrowed from Boetius, Lib. Eleventh, Fol. 236, and Leslæus, Lib. 5, page 187, who say, conjunctly, writing anent the Battle of Loncarty,—*Hujus præclaræ victoriæ et gloriam et fructum Haius sui que filii, ut par erat, tulerunt. Nam Kennedus totius prædæ partem, et quantum agri, falco manu emissus, una volatu, posset superare, illi, suisque filiis, liberalissime imperavit. Hinc, falconis nomen, saxo cuidam impositum prope Deidonum hac nostra ætate cernitur. Tres itidem clypeos rubentes, tanquam eximie fortitudinis signum, in suis insignibus, præferre jubet. Ab hoc viro, familia inter nostrates illustris, magistratuique quem Connestabilarium dicunt, longa majorum serie a Regibus honestata, originem duxit.* A worthy friend of mine named Master Joachim Frederick Van Bassan, who made use of a manuscript history of Bishop Tallachs, of which there is a copy in the House of Rossandall in Norway, sent there by Mr. Gilbert Mowat, Secretarie to Middleton, in compiling his Genealogies, follows those two idle authors in composing the pedigree of the House of Tweddale, and tells us that the country gentleman who recover'd the Battle of Loncarty against the Danes, was one of the Heptarchy whom he alleges to have been banish'd into Scotland, without any probability; his name, as he writes, was Thomas. His eldest sone, called Sebald, is the progenitor of the family of Errol.

1. Of the second sone, named Achaius, is descended the House of Yester or Tweeddale. This Achaius married Cerilla, daughter to Reynold Grabame, progenitor of Montrose, and begot upon her Kenneth and Windia, married to one Friskinus, whose grandchild was made Thane of Cuninghame, and was the head of that surname and family. Achaius liv'd till about 1010.

2. KENNETH his sone succeeded and married Visteria, daughter to Duff Gilmackillan, first Earle of Fife, who kill'd Mackbeth at Dunsennen. He had by her Kenneth who succeeded, Duncan and Grimus, the last two were kill'd by Mackbeth. He died 1050.

3. KENNETH the Second succeeds and marries Uonifrida, daughter to Giles Fitzboot, Baron of Gilisland in Cumberland. He begot upon her Malcolm who succeeds; Kenneth and Thomas, friers in Dunbar; Achaius who married ane Heretrix in the north, whose name is not found; Alisia and Margaret, both nuns in Hadingtone. This Kenneth was kill'd with the King at Anwick, 1094.

4. MALCOLM his sone succeeded. He was sent to France, Embassadour, by Malcolm the Second, to procure for him in marriage Gonorra, daughter to Richard Duke of Normandie, he married Havicia, daughter and heretrix to John de Mandeville in Normandie; upon whom he begot John, who succeeded his mother, and married Jaqueline, daughter to Hieronymus de Ferrier. Of him descend the Hays of Normandie and England. The second sone was Thomas, who succeeded his father in Scotland. He had also by this marriage, Rothesia, a nun in the Beck, in Normandie; Isabella, married to Henry Kennedy, and Bethia, married to William Kilpatrick, who rebelled against King William. This Malcolm lived till about 1130. This Genealogie hitherto is deficient in so much as ther were no nuns in the Beck, which is a Monastery of

men; that the Nunery of Hadingtone, which owes its beginning to Ada, Countess of Northumberland, was not as yet established, and as for the friers ther were none at that time, not only in Dumbar, but in the world. Upon which accompt, whilst I was examining this Genealogie, I made the two friers, two canons or culdees of Saint Andrew's, being then merily disposed; howsoever, Van Bassan gives to Malcolm for successor.

5. SIR THOMAS DE LA HAYE, who maries Montfiguett, or corruptly Moffet, heretrix of Locharwart, and was called of Locharwart, and is so designed in a charter of Gurlays-Land of Barott, from Robert Gilfoord, to whom the said lands were disposed by Hugo Danavan. In this charter which is dated 1150, this Thomas is still'd nobili viro Thomæ Haio de Locharward. Of this marriage he had Sir William who succeeded him, and Margaret, married to Donald, second sone to the Earle of Lennox, of whom is come the family of Naper.

6. SIR WILLIAM DE LA HAYE of Locharward is witness to a charter of King William, of the lands of Tillin to William, sone to Hugh Gifford. He married Armagarde, daughter to Sir William Giffard, Chamberlaine of Scotland, by whom he had William who succeeded, Thomas, Malcolm, David, Aclay, Patrick, Kenneth, and Walter, who all went with David Earle of Huntingtone to the Holy Wars, and were there all killed, except Thomas, who, returning home, became a frier in Dumbar, and William who succeeded. This William lived till about 1190.

7. SIR WILLIAM DE LA HAYE succeeds. He is a witness to a charter of King William, granted to the foresaid William, sone to Hugh Gifford, of severall tofts in Forres, Banff, Kincardin, and Culen. And when King William was set at liberty, this Sir William de la Haia and Hugh Gifford, were amongst others given pledges for fulfilling the articles, as Prin sets down. He married Margaret Drummond, daughter to Mal-

colm, Seneschall of Lennox, progenitor of Perth, upon whom he begot Patrick who succeeded, Alexander and William, who were Captains in the auxiliary troupes sent by King Alexander the Third, under the command of the Earle of Marche, to Saint Lewis, King of France, when he went to the Holy War, in which voyage they both died, and Margaret, Abbess of Hadingtone. This William lived till about 1220.

8. SIR PATRICK of Locharward succeeded and married Helen, daughter to Alexander Stewart of Dundonald, upon whom he begot Patrick, who succeeded him ; Malcolm Custos or Warradine of Pluscardie ; Margaret, married to Henry Mauld, progenitor to the familie of Penmoore, and Susanna, married to William Menzies, a Gentleman in the north countrey. This Patrick lived till about the year 1240.

9. SIR PATRICK, his sone, is found in a confirmation of William Wallace, granted Donaldo filio Duncani ; he gives at the time he was Regent *duas bovatas terrae in territorio de Middleton, juxta parkum de Haya*, to the foresaid Donald. Amongst the witnesses we find the fornamed Patrick of Locharwart, who married Elisabeth, daughter to Sir Andrew Wallace of Ellerslie, and sister to William, by whom he had Heugh who succeeded, Patrick and Andrew, who were killed by the English in the wars betwixt the Bruce and Baliol ; Helen, married to Archibald Coraby of Hampton Castle in Northumberland, and Kathrine, married to John Fenwikwall, likewise in Northumberlande. This Patrick lived till about the year 1291.

10. SIR HEUGH of Locharwart succeeds. He joins himself to Wallace about 1280, under the Castle of Yester, in a place call'd Duncans-bouge, where the tradition of the countrey is, that Wallace was encamped, and went with him to the fight, where the Earle of Marche was beatten and put out of Scotland, who in Wallace's Book is called Corspatrick, and

then this Sir Heugh went with Wallace into England, and was at the fight of Raymond, and at the taking of Milton in Yorkshire, and afterwards at the siege of Yorke, thereafter when King Robert the First was crowned in Aprile 1306. He was with him at the battle of Meffen, the 19th of June, said year, where the King was defeat by Odamaurus de Vallance, Earle of Pembroke, then Governor of Scotland for Edward the First, in which battle the said Sir Heugh and Alexander Fraser were taken prisoners, and carried to England, with many other persons of quality, wher they were execut, for King Edward spar'd none of Bruce's party that fell in his hands. This Sir Heugh married Mariana, some say Mariora, others Bema Bruce, sister to King Robert the First, and widow to Laurence, Lord Abernethy, by whom he had Gilbert, who succeeded; Marjorye married to Sir Robert Logan of Restalrig, who went with the Bruce's heart to the Holy Land. This Heugh lived till about the year 1306.

11. SIR GILBERT succeeded. He is found in a roll of Robert the First in the eight charter, wherin that King grants to him sundry lands, and in the eleventh charter he gives him the forrest of Anne, and in the twinty-six charter he bestows upon him certain lands that pertained to Duncan Frendraucht, Knight. He was with King Robert the First when he fled to the Highlands after his defeat at Dalrae by Cummin, Earle of Buchan, when that Prince had only in his company Malcolm Earle of Lennox and the said Sir Gilbert, as appears by an indenture in my Lord Winton's custody, betwixt Sir Neal Cambell of Lochow, Sir Christopher Setton, and the said Gilbert Hay of Locharward, about the year 1310, whereof the tenor follows:—

Dominus Nigellus Cambell de Lochow, Dominus Alexander Seton de eodem, Dominus Gilbertus du la Haye de Locharwart, milites, tactis sacrosanctis Evangeliis super altare promittunt se defensuros Regem contra omnes mortales tam Anglos, Gallos, quam Scotos, et ego vero

Galfridus Abbas Cambuskennethensis, in hujus rei testimonium sigillum meum appendi, curavi. He was married to Mary Fraser, daughter to Sir Simon or Sir Alexander Fraser of Oliver Castle, whose three sons were killed at the battle of Halydownhill, 22d July 1333, commonly [called] Magdalen's Day. They were named Andrew, John, and Symon. He succeeded to the lands in Tweeddale. She bore to him Thomas, who succeeded; Malitius and James, who both commanded under William Earle of Dowglas, and were killed at the battle of Poitiers in France; Marjory, married to Alexander Montgomery, of whom is come the family of Eglinton; and Agnes, married to John Fenton, a councillor at that time. The Earle of Ross married a daughter of Sir Andrew's. This Gilbert lived about 1320.

12. SIR THOMAS succeeded. He is witness to a charter granted by Sir William Fraser of Drummellier of certain lands, with the milns and sucken, to ane Roger, sone of Finlaw Twedie, dated 1325, confirmed by King Robert the Second, the 19th year of his reign; as also he is witness to a charter of the said Sir William, of some lands in Drummelliar, to his household cordiner. He married Christiana Wardlaw, sister to the Cardinall of Glasgow, who was sone to the Laird of Torreburne in Fiffe, and sister to the Countess of Ross, by whom he had Thomas, who succeeded; Dorothea, married to William Cumming, second son to the Earle of Buchan; Isabella, married to Roger Dalglee, last of the name, Baron of Innerwick; Cecilia, married to Walter Lighton of Olishaven; Magdalen, married to Gilbert Mannemedille, Laird of Storek-martin; Christiana, married to Alexander Ramesy of Dalhousie. He lived about 1350.

13. SIR THOMAS DE LA HAYE succeeds. He is infeft by the Earle of Ross, sone to William Earle of Ross, in the lands of Kingcarachy in Buchan, whereof there is extant ane infeftment by Sir David of Yester,

his grandchild. This instrument is dated 1436, and the whole charter is engrossed and dated 1360. The reddendo is a pair of gilded spurs. In this charter the Earle of Ross calls Sir Thomas his cousin, as being sisters' childrin. There is also ane other charter at Littleton and Lauriston in the Mearnes, dated 1376, wherto Thomas Hay, constable of Scotland, is witness; and ane other indenture betwixt him and Fleming, with the abbot and convent of Melrose, anent the fundation of a chapell at Chapell Kingdoors 1395, and saying of mess. Ther he was married to Agnes, daughter to William the first Earle of Dowglas, sister to Archibald the Grim, by whom he had William, who succeeded; Philippa, married to Thomas Lord Dacres; Lucia, married to Alexander Fraser of Lovett in the north. He lived till 1380.

14. SIR WILLIAM succeeds. He is designed in a charter of the lands of Acharon in Galloway, granted by Archibald the Third Earle of Dowglas, surnamed Tine Man, his cousin. This Earle of Douglas was also Earle of Galloway, Bothwell, Duke of Turraine, and Mareschall of France. He had married a daughter of Robert the Second, and was taken at the battle of Shreusberry 1401, and detained prisoner fifteen months. When he was released, Sir William was one of the hostages given for his ransome. Sir William married Johanna Giffard, daughter and heretrix to Heugh Lord Giffard of Yester, by whom he had William, who succeeded; John, who was killed at the battle of Verneulle in France, and was father to Sir William Hay of Talaw, as appears by a charter of David Lord Yester to Sir William of Talaw, dated 1469. He had also Margaret, married to William Earle of Angus, for which marriage there is a dispensation from the Pope, granted in 1414, the 18th day of Februarie, the parties being cousin-germans; Cecilia, married on Alexander Hume, progenitor to the Lord Hume, who was likewise killed at the battle of Verneule. This William lived till about 1410.

15. SIR WILLIAM succeeds. He was first Lord Yester in his mother's right, and is so designed in an indenture betwixt his father, the Bishop, and Arch-Dean of Glasgow. He gives a charter of Thankerton to one John Geddes, which was confirmed by King Robert the Third about 1418. He married Alice Hay, daughter to Gilbert first Earle of Errol, and had by her Thomas, and David, who succeeded, and Sir Edmund Hay, first Laird of Linplum and Talaw, as appears by an charter of his brother David, granting him the lands of Talaw. The charter is dated apud Castrum de Pebles, 10th of August 1439. Of this Edmund Hay of Linplum, is descended Reuvise in the north; Ringefield, now Inchnoch, in the west; Sir John Hay of Bara in the south. Sir William begot also upon Alice, Andrew, a churchman; Nicolas, a prebender of Bathoms; Henry, of whom we have no accompt; and another sone, Laird of Bara. He had also Alice, married to William Earle of Errol; Margaret, married to a sone of William Earle of Angus, for which there was a dispensation granted by Pope Benedict in Februarie 1414, they being fourth of kin; and Martha, married to Richard Moorhead of Lachope, Secretarie of State in Scotland. This Sir William lived till about 1431.

This part of the genealogie is likewise defectuous. Richard Moorhead, whom we find secretarie 1495, anno 8 Regis Jacobi II, still'd Decanus Glasguensis, and, consequently, unfit for marriage. Archibald Dowglas, Lord Galloway, did not marry King Robert's daughter; but William Dowglas, his sone, who espoused Ægidia, daughter to King Robert the Second, as appears by a charter of that King in the cartular of Roseline, dated 16th Maii, apud Rothesay, anno Regni 19. Petrus del Haya is found witness with Rolland, filius Uthredi, et Hugo Gifford, to a charter of William de Morville, constable of Scotland, who died anno 1196. The charter is granted Henrico de Santo Claro, to whom he gives Carfraw per suas rectas divisas. Willielmus de Haya, filius Johan-

nis de Haya miles, Dominus de Locharward, confirms to the monks of Newbottle, Peteram de Locherward quæ vocatur menestrocher, quam Robertus, filius David de Lindesay, filii Roberti, quondam Domini de Lochorne, et ipsius pater, eis dedit, et ab specialem amorem quem gerit erga eos, remittit eis libram piperis quam dictus Robertus, sibi, et hæredibus reservaverat in sua charta. The witnesses are, Willielmus Episcopus Sancti Andreae, Dominus Robertus Abbas de Sancta Cruce de Edinburgh, Domini Hugo de Barkelay Justiciarius Laudoniae, et Willielmus de Sancto Claro Vicecomes de Edinburgh. So it appears that the lands of Locharward came to the Hays from the Lindesays; and as to the year, it's easie to instruct that it must be about 1292, seeing this Willielmus de Sancto Claro, Vicecomes de Edinburgh is one of the principall witnesses to a charter of John Abbot of Newbottle, granting, anno 1292, Willielmo Bysitt, militi et heredibus suis, clameum quod eis competit, in terra quæ fuit, Resii, filii Roberti, in tenemento de Merton. The said Willielmus de Haya dominus de Locharward, is witness with the forementioned Willielmus de Sancto-Claro vicecomes, to a charter, Hugonis de Riddell militis, domini de Craneston, containing ane agreement betwixt the said Hugo Riddell and the Abbot of Newbotle, anent the bounding of Cranston, Newbotle, and Gocelinton. The same Willielmus de Haya is witness to a charter granted to the Monks of Newbotle, by Willielmus de Sancto Claro Miles, whereby, he acknowledges him bound to pay, annuatim, ad portam Monasterii de Newbotle, sex solidos et octo denarios infra octo dies Pentecostes, et sex solidos et octo denarios infra octavam Sancti-Martini in hieme, sub pæna unius marcæ eisdem solvendæ, qualibet hebdomada post terminum prædictum, si dicta annua pecunia eisdem non fuerit persoluta, pro terra de Balmyren, quam, eidem Willielmo de Sancto Claro dederant monachi prædicti. This Willielmus de Haya swears fealty to Edward the First of England, and his heirs, at Berwick, the 28th of August 1296. Whether or not there was ane other Willielmus de Haya that succeeded, I know not,

yet we find in ane agreement made at Berwick the 3d of October 1357, for King David's delivery, Thomas, sone and heir to William Hay of Locharward, amongst the pledges, and he was delivered to Henry Delstrocher. We find ane other Willielmus de Haya, of ane older date, witness to a charter granted by Ada, Comitisa, mater Regis Scotorum, monachis de Newbotle, whereby she gives them Bereford et unam carucatam terræ super Peffere, ita, quod monachi prædicti, in nullo tempore faciant ibi abbatiam, nec quidquam damni vel disturbance gerant abbatiæ sancti monialium de Hadingtone. Amongst the other witnesses, David, filius Comitissæ Adæ is mentioned, so that Ada dieing anno 1178, it follows constantly, that this Willielmus de Haya lived about that time. In following adges, we find Sir Thomas Hay of Locharward, upon Murdoch Duke of Albanies assize 1424. This same is arrested in the Parliament of Perth 1424. Those observations shew evidently the forgoing mistakes of this Genealogie, wherein we find after William first Lord of Yester,

16. SIR THOMAS, his eldest sone, who was retour'd heir to his father, anno 1432. Heugh Ross, heir to William Earle of Ross, disposes to Sir Thomas of Locharward, the ten-pound land of Kincarrachill in Buchan, as appears by his charter, dated 1434. This Sir Thomas was never married, and lived only two years after his father.

17. SIR DAVID was retour'd heir to his brother, Sir Thomas, seven weeks after his death, the 6th of April 1435, and was created Lord Yester by King James the Second 1439. He married Elizabeth Dowglas, daughter to the Earle of Angus, and got by her the lands of Gleswell and Torbirus, and a portion of two hundred pound Scots, for which the Earle of Orkney, and Laird of Hermeston, were cautioners. By her, he had John, who succeeded, Andrew Parson of Biggar, whose admission is dated 1469. Margaret, married to one Neel Cuningham of

Barns, in Fife. married to the Master of Erskine, which appears by a tack of the teynds of Elm, to John Lord Yester, Januarii 6, anno 1494. David lived till about 1466, as by his son's retoure in Allamoor, 1475, 15 Octobris, is justified. William Earle of Errole was his nephew, as it may be seen by the originall charter of Achmoor, dated 1458, wherein he is designed by the Earl of Errole avunculo nostro. There is an obligation at Hermeston, Decembris 4, anno 1409, of the Earle of Orkney, and William Laird of Hermeston, for the marriage of Sir William Hay of Locharward's sone, with Elizabeth, sister to William Earle of Angus; and ane other bond of Margaret Countess of Marre, of one hundred pounds Scots, to Sir William Hay of Locharward, because William Earle of Angus, her sone, married Margaret Hay, his daughter. The bond is dated the twelfth of Decembri 1410; by which two papers, and the dispensation following 1414, it would appear there was a double marriage, William's daughter being married to the Earle of Angus, and the Earle of Angus' sister to William's sone.

18. JOHN, second LORD YESTER, succeeded. He is mentioned in a charter and disposition of Robert Lord Kilmarnock, grandchild to Thomas Boyd, who married one of the Co-heirs of Yester, and dispons his fowrth part of Yester, Duncanlaw and Morhame, to this John, design'd of Oliver Castle, apparent heir to David Lord Yester, his father. The charter is dated Januarie 1451. He married Mareon Lindsay of Byres, as appears by a confirmation of a charter of his father's of his lands in Tweddale. This Lord Lindsay commanded the horse for King James the Third, against King James the Fourth at Bannokburn. He begot upon this lady, John, who succeeded; and George, who got the lands of Oliver Castle till he should get a benefice; and Margaret, married to Herbert Herris Lord of Teragles, whose father was sone to the Duke of Vendosme in France, and had married the heretrix of that

family, and took on him the name of Herris; Elisabeth, married to Richard Colville of Ochiltry; Annabel, married to Robert Creighton of Sanquhar; and Isabell, married to Robert Ker of Cesford, he lived till 1500.

19. JOHN succeeded, and sat in Parliament in October 1487. He married Elizabeth Cuningham, daughter to Sir George Cuningham of Beltone, for which there is a dispensation granted in his fifth year: he had by her ane thousand merks of portion, to be pay'd by fiftie merks yearlie. He begot upon her, John, who succeeded; Thomas, one who died before his father; George, who was a churchman, and provided to a benefice; Margaret, married to William Lord Borthwick, as appears by a charter of the Lord Borthwick, his father, to him and her of the lands of Huntford in Lanerk, dated the 7th of Aprile 1491; and Isabel, married to Robert Lauder of the Bass, as appears by his father's charter to him and her granted 1496. Thomas Dickson of Ormeston gave him a bond of Manred the third of Decembre 1501. Walter Hunter of Penmood gave him an other, the 6th of April 1502; and William Lochbroun of Shally gave him also one, anno 1510. He lived till about that year. John fourth Lord Yester succeeded. He was called of Haprew while his father liv'd. His mother dispon'd him the land of Beltone and Swed, she being heiress thereof in 1486. This disposition was made before his father's death.

20. LORD JOHN married Sophia Keith, daughter to the Earle of Marshall, by whom he had John, who succeeded, William of Nether Minian and Montoun, whose grandchild being heretrix thereof was married to Sir Alexander Hay, seventh sone to Alexander Hay of Kenneth, and was first secretariè and then register in Queen Marie's time. He purchased Montoun, as appears by a charter of his brother, dated the sixth of October 1595, granting him Nether Minian. Janet mar-

ried on Alexander Lord Hume, chamberlain of Scotland, who was beheaded by King James the Fourth. This John was killed at Flowdonfield with King James the Fourth, on the 9th of September 1513. William Veitch of Daick gave him a bond of Manred, dated 10 Maii 1510, and Patrick Porteous of Hack Shaw and other, dated 18 Maii 1511. It is to be noted, that the lands of Idinton held ward of Beltone, as appears by a retour of Thomas Idinton, Knt. dated on the seventh of Februarie 1463.

21: JOHN, called of Swed, whilst his father lived, was retoured heir to his father the 9th of November 1513. There is an instrument requiring this John Lord Yester as superiour of the lands of Leidington to entre Richard Maitland, sone to William Maitland of Leidington, Aprile the first 1514. Thomas Burns, notar thereto. This John married Elizabeth Dowglas, daughter to George Dowglas master of Angus, as appears by an infeftment of his father to him and her, of Haprew, Meggel, and Ugstone, dated the 7th of Octobre 1510. He had by her, John the fifth, who succeeded; Elizabeth married to the Lord Setton, as is seen by a charter of King James of the lands of Winchburgh, which he grants her in liferent, the 15th of June 1527. The same Elizabeth married afterwards the Lord Salton, as is justified by letters of bailiarie, granted to her brother John Lord Yester, as Lady Salton, dated the last of August 1544. This John Lord Yester, married afterwards one Dickson, supposed heiress of Smifield, by whom he had John, who fell to those lands by right of his mother. Of him is descended the late familie of Smifield as follows:—This Mr. John Hay married Janet Scot, and had by her Mr. Thomas [the] Laird, a seconde sone John, a third, Gilbert, Parson of Stobo, father to Archibald Hay, gentleman usher to the late Queen, mother to King Charles and King James. Mr. Thomas the seconde laird, had John Hay, who was father to Sir James Hay, squire of the body to King Charles the First, who had three sons, John, James,

and William, who died all without childring, his daughter succeeding, and being heiress, was married to Sir James Dowglas, seconde son to the Earle of Morton, who succeeded to the Earledome, John Hay, brother to Thomas the seconde laird, had Andrew Hay of Hayston, writter, to whom succeeded Mr. John Hay, clerk to the Session, whose seconde brother is Mr. Andrew Hay of Camnethan. Of this house of Smifield, descends Hayston. This Lord John lived till 1549.

22. JOHN the fifth, was retoured heir to his father the 10th of October 1543. He married Margaret Levingstone, daughter to the Lord Levingstone, by whom he had William, who succeeded, Thomas a churchman and provest of Balhouss, Elizabeth married to Lawder of the Bass, and married to the Laird of Traquire, and Marie, married to Congleton of Congleton. This John lost the Shirreifship, which the King gave to the Lord Fleming 1530, his brother John of Smifield having let a thief eschape out of prison. But the Lord Yester appealing from the King's sentence to the counsell, was repon'd to his right 1543, which whole process and appeal are as yet in Tweddal's charter-chist. He lived till 1554. His picture, together with his sons kneeling before a crucifix, was to be seen in his burial-place in the church of Yester, anno 1648. John Lesly, Lib. 10, tells us that the Lord Yester was taken by the English at Pinkineleuch, anno 1548, and John Knox, Lib. Prim. Hist. speaks of one Hay dean of Restalrig, who sat in the Parliament held in 1543, wher, by Act it was made free to all men and women to read the Scriptures in vulgar language.

23. WILLIAM, his son, was retour'd 1559, and married Margaret Ker daughter to Sir John Ker of Fernherst, wardine to the middle marches, by whom he had William and James, who both succeeded; Margaret married to James Master of Borthwick, sone to James the seconde Lord Borthwick, as appears by their contract of marriage, dated Octobre 26,

anno 1582; Katharine married to the Lord Swinton; Jean married to Mr. James Hay of Barott, commissar of Glasgow, father to Mr. Alexander Hay; Elizabeth, married to Mr. Robert Ker of Brumlands. This William the fifth of the name, bought Rodonna from James Earle of Murray regent, he lived about 1582. The gift of his marriage was given by Queen Marie to her mother the Queen Regent, and by her to the Lord Yester. It's dated the eleventh of Januarie 1558. This William gives a charter of the lands of Leidington to Maitland, the 26th of May 1582.

24. WILLIAM, his sone, sixth of the name, succeeded. He was surnamed Wood-sword, and retoured 1586. He married Elizabeth Maxwell, daughter to the Lord Harris, by whom he had six daughters, Margaret, who never married, Jean, married to Twedie, laird of Drumaliere, who was the last of his familie; Maria, married to Alexander Laird of Horseburgh, who was father to Horsburgh, captain in Lord James Dowglas' regiment, and killed in France, and left his estate to John first Earle of Tweddale, whereof John second Earl of Tweddale returned the remainder, having satisfied the debt, to William Horsburgh, a son of the second marriage of Alexander Horsburgh by a daughter of Burnett of Baras; Elizabeth, married to the laird of Waton of that Ilk; Grissel, married to John Hepburn laird of Atherstown, and Agnes who never married. This William confirms his father's charter of Leidington at Edinburgh the 8th of July 1582. This same Lord made a procuratorie of resignation for resigning the lands of Leidington and Westfield in the King's hands for new infeftment to be given to Chancellour Maitland, his lady and their heirs-male, to be holden of his Majesty. It is dated at Edinburgh upon the first of Februarie 1588. In his time, the borders being much infested with broken men and thieving, this Lord, who rode always accompanied with twentyfour horsemen, and as many footmen armed, did take and hang'd a great of them.

He was at feud with the House of Traquire, for seconding the thieves, in pursuit of whom he received a wound in the face. King James the Sixth being desirous to have this feud taken away, as all others of the countrey, and he refusing, was committed to the Castle of Edinburgh, out of which he made his eschape, and immediately made ane new inrode against the thieves, of whom he killed a great many, in a place called from thence the Bloody Haugh, near Riskin-hope in Rodonna, whereupon King James was pleas'd to make a hunting journey, and came to the house of Needpath, whither the King called Traquire, with his two sones, who made to the Lord Yester acknowledgment for the wrong they had done him, and then peace was made by the King. This was witnessed by one William Geddes, who was my Lord's butler, and liv'd till the year 1632. This Lord's hand is at the Book of Discipline, concluded in the Assemblie of 15, whereof he was a member. He was one of those who joyn'd the Earl of Gowrie, Marre, Lindesay, and others, and detained King James the Sixth against his will in the Castle of Ruthven, put his servants from him, compelled him to call home the Earle of Angus, and sent Lennox back to France. They enforced the King to approve this his surprise, in letters written to the Queen of England, and to declare lawfull the Assemblie of the Estates which had been called by them. At length the King made a way for his liberty, and, eschaping to the Castle of Saint Andrews, was joyned by severall Lords and Barons, who flocked there; at which time, the others were commanded to depart the kingdome, upon a day that was appointed. Marre and Glames went to Ireland, Yester, Boyd, Weemes, and Loughleven went to the low countreys, Angus was confin'd to Angus, only Gowrie having stay'd after the time prefixed, was taken at Dundee going out of the land, arraign'd at Striveline, and beheaded. This Lord William haveing none sones, intailed his estate to his brother James,—he lived till about 1591.

24. LORD JAMES succeeded by ane intaill, whereof the charter is dated 1591. But not being past the Seals when his brother died, Chancellour Maitland extorched the superiority of Leidington and the lands of Aystonne, within two miles of Hadingtone, before he would pass it. He married Margaret Ker, daughter to the Earle of Lothian, who had married [Margaret] Maxwell, daughter to the Lord Harris,—his father was Marke Ker, commendator of Newbotle, brother-german to Sir William Ker of Cessford, who had married Isabell Leslie, daughter to the Earle of Rothes. By this lady he had John, who succeeded: Sir William, who sold severall lands in Tweddale, and purchased by his mother's succour, the lands of Linplum, which were in the hands of one Rennice, lineally descended of Sir Edmund Hay of Linplum, brother to David first Lord Yester. This Rennice having acquired ane estate in the north, sold Linplum, to which Sir James Hay succeeded, after the death of his father and grandmother. James had also by Margaret Ker, Robert, who died young, Margaret, married first to Alexander Setton, Earle of Dumfermeline, Chancellour of Scotland, and after him to James Earle of Kalendar: the childring of the second marriage died soon after they were borne; the last Earle of Dunfermeline is com'd of the first. Lord James had also Elizabeth, contracted to the Lord Dalhousie, and died before she was married. A strange passage fell out in this Lord's days:—One Hepburne, his page, predecessor to one Blackcastle, accused the master of his horse, called Brown, to have practis'd him, and offer'd him reward to empoysone his master, in behalfe of John Hay of Smifield, who was next heir to succeed him; the business being brought before the Counsell, and the other denieing the fact, and adhering to his deniall, it was resolved it should be decided by a combatt, to be fought in Edstownhaugh, where judges were appointed by the Counsell to assist.

26. JOHN, seventh of the name, succeeded his father. He was first married to Jean Setton, daughter to Alexander Earle of Dumfermyne,

who had married his sister. This Jean was the only child that surviv'd of Lady Grissal Leslie. The Chancellour's second wife, in whose custodie King Charles the First was left, when Queen Anne went to England, following King James and Prince Henry, Prince Charles being then very meak and mutch troubl'd with the rickets, she took great care of him, and carried him to England after his recoverie, which he did frequentlie acknowledge to her grandchilde on severall occasions, and particularlie when he was att Newcastle: and after her decease, when her daughter Jean was to be married to the Lord Yester, he sent her a jewell, with great expressions of kindness, by Sir Robert Ker of Ancrum, Gentleman of his Bedchambre,—she bore to the Lord Yester, John, who succeeded, and died the eight day after her deliverie. Fifteen years after, the Lord Yester married Margaret Montgomerie, daughter to the Earle of Eglinton, by whom he had Alexander, James, William, and Charles, Margaret, Grissall, and Anne, who all died in their childhood, save William, who now lives, and is Laird of Drumalliar. This Lord's mother, Lady Margaret Ker, was ane active woman, and did mutch for the standing of the familie. The Lord Yester himself was active against the rising power of the Prelats, and joyn'd with the Earle of Rothes and others in opposeing that Act anent the apparele of Church men in Parliament, anno 1633, wherby he was frustrat of the dignitie of ane Earle, and [to] which severalls att that time were advanced,—it being the time of King Charles' Coronation: and in the year 1639, when endeavours were us'd for bringing in the Service book to be red in the Churches of Scotland,—he was a zealous promotter of the national Covenant, and advanced severall considerable soums of money for carrieing it onn, which were never repay'd. He had a Regiment att Duncelaw, and after the Pacification att Berwick, a second War breaking out, wherin the Scots Armie entred England, and took Newcastle, tho' he went alongst with them, he had no Regiment, nor would accept of no imployment. His sister's sone, Charles Earle of Dumfermyne, married to the Earle of

Morton's daughter, who had been imploy'd by the Lords with the King in the Treatie and Pacification att Berwick, was again imploy'd in the large Treatie, first att Rippen, then att London, where it continued nine moneths; and this Charles Earle of Dumfermyne, being a young man, much inclin'd to all sorts of gameing, careless of his business, though much in favour with the King, haveing got a three nineteen years lace of the Lordship of Dumfermyne from his Majestie,—his uncle, the Lord Yester, engadged first with the Earles of Argyle and Rothes, as cautioner for him in great soumes, and thereafter with the Earle of Kalendar, who had married the Earle of Dumfermyne's mother, and the Lord Montgomrie. This lady, Margaret Ker, had the lands of Belton in joynture, and a tierce of severall other lands, and the rights of teynds of most of their estate in East Lothian, being convey'd to her in liferent with her husband Lord James, after whose decease she married the Master of Jedburgh, with whom her sone, the Lord Yester, was necessitat to entre into a treatie and composition for payment of fortie thousand merks in money, and ane annuity of eight thousand merks by year, which, with the burthens of the familie that were not small, and debts contracted by himself in his travels abroad, (haveing come to be more compleat in all his exercises than any of those times, and being in greater favour with his Prince, and cousin to the Earle of Sommerset, by his grandmother Margaret Ker of Ferneherst, who was then favorit and thresaurer of Scotland,)—by his education abroad, and courtship at home, he was necessitat to sell the barony of Swed, in the sheriffdome of Dumfreise, which came in by the Cunninghams, with Belton, and the Barony of Arthearmoor, reserving only the superiority, because it belong'd anciently to the familie as the superiority as yet doth. He purchased Drumailar, and settled it upon his sone of the second marriage. In the year 1647, the auxiliary war of the Scots army in England being att ane end, and the King comeing to the Scots army, and staying with them ten moneths at Newcastle, did there creat this Lord Yester, Earle of Tweeddale, who liv'd seventeen

years after, and was att the coronation of King Charles the Second in 1650 : then falling sickly and infirm, died in 1654.

27. JOHN, his sone, succeeded in 1654. In the tenth year of his adge he went with his grand-uncle, the Earle of Rothés, and his mother's brother, the Earle of Dumfermyne, to London, and stayd all the time of the large treatie, and came home to Scotland with King Charles the First, anno 1641, and after the King had left the Parliament and came to Yorke in 1643, he went thither with his uncle Dumfermyne, and was att the siege of Hull, in Beverlie, with the King ; and thereafter, att the setting up of the King's standart att Nottingham, and so went alongst to Sherewsberry, from whence his father, comeing from London, carried him to Scotland, and soon after, before he was seventeen years old, put him upon the head of a regiment in the auxilinarie war with England, from whence he return'd in 1647, and was married to Jean, daughter to Walter, and sister to Francis Earle of Balcleugh, by whom he had John present Marques of Tweddale ; Francis, who died in Seasyde, and is buried att Erroll ; David, Livetenant to the King's Guards on horseback ; Charles, who died young ; Alexander, now liveing ; Gilbert, who died a childe ; Jean, who died of the small pox att 14 years of adge, after she had been a year in England ; Margaret and Mary, who died young, and Margaret married to Robert Ker Earle of Roxburgh, to whom she bore three sones, Robert, John, and William ; Grissall, who died young ; Sophia, who died at twelve years of adge, and Jean, now liveing. He was with the King at Newcastle, and got from him, as marke of his favour, the Patronage of Peebles ; and in 1648, had the Regement of East Lothian and Tweddale, consisting of twelve hundred men, Sir James Hay of Linplum, being his Livetenant-Colonel, and William Lisle of Bassraden, his Major. In that ingadgement for the King's relief, who was then Prisoner att the Isle of Wight, after the defeat of which ingadgement, the Earle of Lauderdale being forced to flie

to Holland, sold the Steeds of Yester to the Lord Humber, who bought and pay'd them at the desire and in the name of the Lord Yester. This Earle purchased also the Baronie of Old Hamstocks and Lawfield, for which he gave two hundred and twente thousand merks, besides the debt his father had therupon, of twente-fower thousand merks, with many by-gone annual-rents; and therafter, to pay those two Baronies, he sold Seasyde and Arthmoor, in the Carss, to a merchant in Dundee, and Porgewill and Marcloth, to Sir George Kinnaird, and the remanent of the Barony of Locharward in Midlothian, to my Lord Oxfoord, for fower hundred and fortie thousand merks; and when King Charles the Second came home, he was with him for the most part att Dumfermyne and Perth, and att length att Striveline, till the King went to England with his armie, wherin he haveing no charge, return'd with his familie to Dundee, and from thence to the North, as far as Elgine in Murray, from whence he did not returne till the defeat of the King's armie att Worcester by Cromwell, and the takeing of Dundee by Monk, and the takeing of the Committe of Estats att Elliot in Angus, with the small force that was with them; from whence most of them were carried to London by sea, and made prisoners in the Tower in 1651, so that the English armie marcheing north, he came through the Highlands to the Needpeath, his house in Tweddale, whére his Lady had come from Fifvee, a few weeks before: so the usurpers being absolut masters of the countrey, and no visible opposition left, he was necessitat to leave [live] under their protection, haveing a numerous familie of childring, as all others att those times did, who were not prisoners; and after the courts were set up, and that there was execution of the laws against créditors, my Lord Dumfermlyn's debts brook upon him to such a degree, as he was forced sometimes to flee his house, and for the most part necessitat to stay att Edinburgh to keep his credit, most of the estate being wadsett and comprisd: and he haveing only, his relief out of Dumfermlyn's, was forced to have led comprisings, and used all other diligence against it, which occasioned the Earle of

Kalendar to enter into a treatie with him for dividing the debt and the relief, which continued till 1654, that his father died ; and then he was immediately necessitat to go for London, to endeavour with the Protector Oliver Cromwell, the relief or abatement of ane exorbitant fine laid upon the familie of Balcleugh, which estate was entail'd by Francis Earle of Balcleugh, upon his Lady, faileing of heirs of his own body. In 1656, the country groaning under the burthen of 10,000 pounds sesse monethly, and being joynd in ane union with England by commissioners of the Parliament impour'd for that end, who had called in commissioners from all the shires of the countrey, and tendered the said union to them, and upon their acceptance therof, in 1655, a House of Commons was called to represent both nations by their commissioners, and this Earle of Tweddale chosn for the shire of East Lothian, to which he yielded, and served his countrey almost a year in that capacity, att which meeting the Scots commissioners got their sess brought to 6000 pound a moneth, which continued till the King's restoration. Ane other Session of Parliament there was in Oliver's time, and ane other in Richard's, to neither of which he would goe, and so, till the King's returne, he liv'd att home, wrestling with the burdens and debts of his familie, and cautionrie for his uncle Dumfermyne. Upon hopes of the King's restoration, he went to London 1660, and was there some time before the King came, where the King looking favourablie upon him, was pleas'd, as a mark of his favour, to change the holding of the greatest part of his estate from ward to blench, and to name him on of his Privy Counsell. In the second session of Midleton's Parliament, some speeches of his being mistaken and misrepresented by the Earle of Middleton, by a warrant from the King he was committed to the Castle of Edinburgh, and there continued two moneths, and after his enlargement, was confin'd to his own house for six moneths, and thereafter, going to Court, recover'd himself so much in the King's favour as to be named one of the Extraordinary Lords of the Session in 1666, and in 1667, a Commissioner of Thresaurie, and in

1668, a Councillour of England, in which station he continued in great quiet till 1674; in which year, the Earle of Lauderdale being the Commissioner, and haveing made use of him in all the steps of his Sabbathan Government, began to grow jalous that he might carry from him the good-will of the people: which jalousie was heightened by the good-will he had purchased, in being instrumental with the King for disbanding the armie after Pentland, and by the Government of the Revenue, with the assistance of Sir Robert Murray, so much to the advantage of King and kingdome, that the King's old debts he contracted in Scotland being pay'd, the expence of the Government fully satisfied, the whole fees and pensions pay'd, the King's houses and fortresses repaired, the whole list of pensions pay'd punctually att the term, and all precepts the King drew, answered, as bills of exchange, the magasins filled with armes and ammunition to serve 24,000 men, ane militia settled, wherein all the nobles and gentry had a command, amounting to 20,000 foot and 2000 horse, and they all armed, and no sesse nevertheless laid upon the countrey, and 15,000 pound sterling laid up in the Castle, and 1000 pound sterling given att one time in donative by the King, to severall personnes that had suffer'd for his father and him, and haveing prevail'd with the King, with the assistance of the Duke of Lauderdale, Sir Robert Murray, the Bishop of Chester Doctor Wilkison [Wilkins,] and Bishop Lighton, in Scotland, to grant ane indulgence for presenting 40 Presbyterian ministers to churches, upon their assurance to live peaceably and quietly, to prevent house conventicles, for field conventicles were not then heard of, the whole kingdome was in a profound peace and tranquillity for five years together, from 1668 to 1675, notwithstanding that there was not above 30 ministers put in. Dureing this peaceable time he built the Parke of Yester, of stone and leime, near seven miles about, in seven years time, att the expence of 20,000 pound, bought a house in Edinburgh from Sir William Bruce, for 1000 pound sterling, and ane other house within the same Court, which being rebuilt from the foundation, the price of it, and re-

parations of both, stood him 1000 pound sterling. In 1672, the Duke of Lauderdale was made the King's Commissioner, in a Parliament call'd in order to ane union of the two Kingdomes, in which Parliament, there was a Commission granted for treating with the commissioners to be appointed by the Parliament of England, and the nomination of both was left to the King, of which number the Earle of Tweeddale was one, who being at London, did there first discover the alienation of the Earle of Lauderdale from him, having sent away his ladie to France and redeem'd the estate of Lauderdale from his daughter, who was in the fie thereof some years before her marriage with Tweeddale's sone, and was settled by the contract, upon the second sone of that marriage, but yet under reversion ; and haveing in his prospect, a marriage with the Countess of Dysart, who behaved herself, his lady being at the wells of Spa, as if she had been married to him, and had that ascendance over him that he could refuse her nothing, and she finding it her interest to seperat him from his nearest relations, that she might possess him, and make a prey of him, set upon his brother, for whom, before that time, he never had any value ; wherein Chancellor Rothes and Archbishop Sharpe co-operated, and under-hand none more then Sir William Sharp ; and because the business of the union could cut off many offices, at least the splendore and profit of them, and partly his of being the King's Commissioner and sole Secretarie, whereby the greatest share of the King's revenue and a considerable part of the substance of the cōuntry did come into him and her ; they first brook that treaty of union with the King, and then amongst the Commissioners, and from this breach of friendship as aforesaid, was the first declineing of the Earle of Tweddale's fortune, as follows. In prosecuting of the design of turneing the Earle of Tweddale out of his employment, Hatton, the Earle of Lauderdale's brother, is to be set up, who haveing bought the Thresaurer Deputs place from Ballenden, became one of the Commissioners of the Thresaurie, and staying att London after all the Commissioners of the Union were returned, he brought orders for

farmeing the customs and forreign excise, which was in collection ; and most of the wines being come home was too late to ferme, and the collectors being made comptable to the fermers, it could not possiblie be but mutch to the prejudice of those collectors of the revenue, to begin the first year with a broken ferme. Then was there particular gifts given of brandie and tobacco, to license the importing of the last whereof had been prohibit, and the decresing of the importing of the other, to the prejudice of the revenue in both, a new imposition of the salt was given to Kincardin, whereof Lauderdale had the half ; a new gift of the wards likewayes to them. The imposition of a plak upon a pint, and of the wines given to the Town of Edinburgh, and to severall other towns, and severall other acts of oppression and arbitrarie governement exercis'd, occasion'd great complaining and grievances in the Parliament 1674. Wherupon the King was necessitat to adjourne it, and thereafter to dissolve it by proclamation, and that the King might have a true representation of the condition of his affaires, the Duke of Hamilton, Earle of Tweddale, and Major-General Drummond, went to London to represent the condition of them to his Majestie. In the meantime, there being a cause depending before the Session between the Earles of Dumfermyne and Kalendar, the Earle of Tweddale finding himself to meet with injustice amongst the Lords, who were for the most part lately put in by Lauderdale to serve his purposes, and having their places *Ad Beneplacitum*, being formerlie *Ad Vitam aut Culpam*, the Earle appeals to King and Parliament, which not being admitted, it came likewise to be a grievance, and though the King was favourable enough in the beginning, in hearing their complaint, yet the things in themselves being of that nature as seem'd to advance and raise the Monarchie to a higher pitch, he in the end resolved to discountenance them, and Lauderdale comeing up half-a-year after, in the spring, prevail'd with the King to turn them out of his Counsell, and the Earle of Tweddale out of the Thresaurie, Exchequer, and Session, and from

his Councell in England. And thereafter, stir'd up the Duke and Dutches of Monmouth, to pursue him for a reduction of a most solemne settlement the Earle of Tweddale had made with them, with consent of their curators and commissioners, ratified by a decreet of the Lords, and wherein the King was arbitrator, and being so, tanquam privatus, did bind himself as administrator for his sone the Duke of Monmouth, for the fulfilling therof, and ratifeing the same att their majority. Then also did the Earle of Lauderdale, who was become a Duke, promoted by the French interest att Court, for makeing that alliance between the Kings of Brittain and France against Holland, and brakeing the Protestant alliance or Tripartite League, solemnlie made three years before, come into Scotland with no other character but as President of the Councell, being forced to flie by the Parliament of England. And being in Scotland, begane a suit of his owne for the teynds of Pinkie, and bygonnes therof, against the Earle of Tweddale, against whom he appear'd himself att the barr, and prevail'd against all law and justice, as by the reasons of the reduction intended before the Parliament appear'd; so that the Earle of Tweddale was forced to pay him 1000 pound sterling for bygonnes, and to have the teynds taken from him, and Lauderdale entered in possession therof, which possession the Earle recovered after his death. The Duke of Lauderdale being likewise of the Session, did so influence the Court, [that] the Duke of Monmouth prevail'd in his cause to the value of 4000 pound sterling: which injustice, and the King's obligation to relieve Tweddale, if the Duke of Monmouth should doe anything contrarie to that first settlement, did occasion three or fower journeys to the Earle of Tweddale to Court, the expence whereof, and of the two suites att law, was as mutch as the value of them both, so that the Duke of Lauderdale may be justly said to have rob'd the familie of any benefit it had by his daughter's toocher; and the Earle of Tweddale haveing purchased the baronies of Linton and Newlands, and contracting considerable debts for them, neare 10,000 pound sterling,

which, with the old debts of the familie, and cautionrie for the Earle of Dunfermyne, brought his debts to so immense a soume, as att Whitsunday 1686, he was necessitat to sell his whole estate and interest in Tweddale to the Duke of Queensberry, for about 280,000 pound, and for his relief of cautionrie, purchas'd the Lands and Baronie of Pinkie, and built a little parke about it, repairing the house and yards att a considerable charge and burden: and further [he] doth possess the bailliere and constabularie of Dumfermyne, and fies thereof, with the milnes of Dumfermyne, and teyndys of Innerkeithen, with the take of the lordship or two parts thereof, yet to run for . . . years, and hath for further relief the lands of Dalgety, and two parts of Fyvee. In the year 1687, his Lady dieing, he built a buriall place at Yester, and a large sett in the Church, that stood him near 200 pound sterling. This Earle was created by King William, Marques of Tweddale, he was made by the same, Chancellour and Commissioner to the Parliament, at which time the Darien or Scots African Company was sett a-foot, and the Bank establisht. He died att Yester, and is there buried, [anno] 1697.

28. JOHN LORD YESTER succeeded. Whilst he was going to France, he was engadged by the Earle of Lauderdale, and the means of Sir Robert Murray, to stop his journey, the plague being then at London, and to stay till he should be out of danger of abideing in France a quarantaine; and in the meantime, he was advis'd to writt to his father for their allowance to become a suitter to my Lord Lauderdale's daughter, upon whom his whole estate was entail'd. The Duke of Lauderdale being the sole Secretarie and Gentleman of the Bedchamber to the King, and in greatest favour at Court, and showing to the youth his esteem, and so great a passion and affection, that he could deny him nothing, and underhand employing Yester's friends and acquaintances to compass a conclusion. The Lord Yester complied easily, and first allow'd Sir Robert Murray to writt, and then writt himself, so that his father and

mother were at length perswaded to condescend to the stop of his journey, and follow the youth's inclination in that particular ; every one representing that it was the greatest opportunity a man could wish of making a fortune, Lauderdale being a Courteour, and Yester, by that means, in a way to share and become a partner of all his places and employments. Those weighty thoughts of making an assured fortune, engaged Yester to press his father to come to London and treat of the conditions. They were concluded with great advantage, if they had been kept by Lauderdale, and if he had not wrong'd the fortune and familie, and diffrauded his daughter and their childring of their right by the contract of marriage, some part whereof is yet sub judice. Lauderdale did then often profess that he was so well satisfied to have my Lord Yester for his good sone, that he did absolutely forget that ever he had a sone to succeed him, and that the loss of his sone was abundantly made up by this alliance. So the marriage was made publick, and the King deliver'd the bride. The Lord Yester begot upon Lauderdale's daughter, within ane year, his first sone Charles, to whom the King was godfather ; then after, John, Walter, and Alexander, the two last died ; William, Anne, and Jean. His ladie stay'd in England till that Parliament, wherin my Lord Lauderdale sat commissioner, November the 16th, anno 1669. Yester carried the commission before him in the session of the first Parliament, and in the following Parliament, July the 30th, anno 1670. But in the year 1679, Lauderdale having sent away his 'ladie to the Waters of Spaw, by the advice of Sir Alexander Fraser, upon a pretended indisposition, for so it was concerted among them, the Countess of Dysart got so great ascendance over him, in prospect of a future marriage betwixt them, she being then a widow, that she was never att rest till Lauderdale was quite of his daughter and Yester, whom Tweddale was desirous to have in his companie. In 1672 my Lady Lauderdale died in France. Six weeks therafter the Duke married the Countess of Dysart, who ingadged him

in all the intreagues of the French alliance, wherby he became a Duke, and obtained the Garter, and so came down to the third session of his Parliament, June 25th, anno 1672, att which time his daughter was lying-in of a sone. A litle before haveing heard that his first ladie was dangerouslie sicke, he send ane Patrick Vasse, and procur'd by my Lord Dumbartoun's means, a warrand from the King of France to sease upon my ladie's jewells and plate, which my Lady Boghall deliver'd, being threatned with imprisonment. Not satisfied therewith, he was no sooner arriv'd in Scotland than he sent his daughter and Yester a summons, to hear and sie it found by the Lords of Session that all my Lady Lauderdale's plate and jewells, which he had seased by warrant, were exhausted by debts. This summons occasion'd so mutch grief and trouble to his daughter, that she contracted therby a melancholy, wherof she never recovered; and notwithstanding the business was submitted to Lauderdale himself, and a discharge put in his own hands, for which he promis'd great things, yet he performed nothing, but, on the contrarie, was a constant enimie to all the concerns of that familie, for he turned the Lord Yester out of the Councel, and took the militia regement from him, which had always been in that familie since the militia was set up, by the means of his father, the Earle of Tweddale, that it might come in place of a standing armie, which the kingdom was never able to bear the burden of. Upon those discontents, the Lord Yester went to his travels in France and Itale, and after two years, returning home, he found Lauderdale as badly dispos'd against him as before, and so he continued till the day of his death, which happened anno 1681, att which time he gave most of his estate to his ladie, and the remainder to his nephew Maitland. After his death, viz. 1683, my Lord Yester was again put upon the Counsell, and in the invasion of Argyle, 1683, he got the command of the gentrie of East Lothian.

It is to be observed, that the whole fortune of this familie came by marriages, and whatever hath been purchas'd, was by the selling of

lands that had come in that way, in consideration wherof, Charles Hay, present Lord Yester, made the following verses :—

Aulam alii jactent, felix Domus Yestria nube,
Nam quæ sors aliis, dat, Venus alma tibi.

The present Marques of Tweeddale bears in his scutcheon, quarterly, first and fourth, Azur, three Cinquefeuilles or Fraziers, for the name of Frazier, second and third gules, three Barres Hermine for the name of Gifford, above all, in a shield of Pretence, his paternal coat, which is, argent, three escutcheons, gules for his crest, ane goat's head erased, argent, armed, Or, for supporters, two Bucks proper, collaced and armed with seven Tynes, and for motto, these words,—Spare when thou has nought.

Linplum is a Cadet of this familie. The first Laird therof was Sir Edmond Hay, Tala, a second brother of the house of Yester. He married Annabella, sister to Thomas Boyd, Earle of Arran, his sone married a daughter of the Lord Sommervels, and begot William, who married a daughter of the Laird of Hermeston, by whom he had John, who married a daughter of Cockburn of Henderland, chief of that surname; others say, Jean Hepburn, daughter to Patrick Earle of Bothwell, and sister to the Duke of Orkney. He was named John Hay of Tala: his sone was William Hay of Linplum, who married Jean Spotswood, daughter to the Laird of Spotswood in the Meress, who bore William Hay of Bara, Linplum or Windon, who married Margaret Hay, daughter to the Laird of Monton, whose father was Hay, Laird of Monton, eldest sone of a second marriage to Crookback Lord Yester. His mother was Beaton, daughter to the Laird of Balfour, and sister to the Cardinal. This William Hay was a second brother of Tala. His elder brother had a sone called Andrew, who had only left to him the lands of Duncanlaw. This William begot Sir John Hay

of Bara, or the lands, Lord Register of Scotland. I don't mutch rely upon the forgoing accompt of Linplum, which was given me verbally by my aunt, the Ladie Kettlestoun, remembring what Buchanan says:—*Expendat apud se quisque quantum eis fidei sit habendum hominibus, qui sine litterarum auxilio, soli confidunt memoriæ, quæ in cultu solet imminui, et ætate debilitari, et morbo penitus extingui.* Nevertheless, I thought to add here what I was told anent that house, that in times comeing I might make use therof to discover more easily the truth, in examining the severall evidences of the formention'd families; as for Sir John Hay, he was a man of rare endowments, being as yet very young, he was imployed by the City of Edinburgh to welcome King James the Sixt att the West Port, in the name of the Town, which he did by ane eloquent oration, as yet extant in a book call'd the Muses Welcome: he was first Town-Clerk, then Provost of Edinburgh; thereafter ane Ordinar Senator of the College of Justice; a Lord of the Councell and Exchequer; and after the death of John Hamilton, Magdelenis Knight, he was prefer'd to be Lord Register,—he was one of Balmerino's assisers; and things becomeing troublesome in 1641, he demits and overgives in the King's hands the office of Clerk Register, the place of ane Ordinar Senator of the Colledge of Justice, and of the Councell and Exchequer, to the effect his Majestie might dispose thereof;—his Majestie haveing first pay'd to Mr. William Hay clerk of the Session, 5000 pound sterling, and during the not-payment thereof, 400 pound sterling of yearly pension, contain'd in the signature sign'd by his Majestie, the 12th of July 1641, or els causing the new entrant to pay and secure him in the same, reserving also to himself the bygone fie of, and arrears due to him, and owen by the collector of the taxations. This demission he sign'd the 17th of July 1641, and deliver'd it to the Earle of Lanerick's secretarie: the 10th of August the forsaid year, the King takes post att London, and comes to Edinburgh, and orders to hold a Parliament. In this Parliament, Alexander Gibson of Durie,

a senator of the Colledge of Justice, was knighted and created Lord Register. Sir John Hay came with the King to Scotland to answer to the summons of treason direct against him. His Majestie gave in his bill to the Parliament, that he might be heard, but nothing could be done till he entred himself prisoner in the castle of Edinburgh, upon the twintie day of August 1641, wher he remained till the 17 of Novembre following, and notwithstanding of many supplications, could not be admitted to his answer, till the King's return to England, after which time he entred his tryall in the beginning of Januarie and continued to the end of Februarie. At last, Sir John compearing before the estates, and giveing his defences, replies and triplies, as well what was juris, as facti, against the summons, and nothing being found against him, neither by writts produced, nor by depositions of witnesses, the King at West Chester, the 24th of Septembre 1642, decerns him free and liberat from all acts made to his prejudice. After those troubles, Sir John kept quiet to sutch time as Montrose came South, there he joyned him, and was taken prisoner at the unfortunate battle of Philiphaugh. His life had been in great danger, had he not by a private convention with the Earle of Lanerick, granted him the rents of the lands in Galloway, whereof he was proprieter, dureing all the days of the said Sir John's lifetime, to have his life sav'd. This agreement, which was made in secret, made Duke Hamilton a very zealous friend to Sir John, and by his means he was liberat out of all danger, whilst severall other gentlemen and noblemen were arraign'd and convoyed to the scaffold. After this Sir John took himself to a quiet life, and retired to Dudingston, where he died upon Munday 20 of Novembre 1654, from whence his corps were transported to Edinburgh and laid in the Tron Church, and convayed the 24th of the same month, being Friday, to the Grayfriars Church-yard, where he was buried upon the west side of the Church-yard in the ordinar buriall-place of the Hayes. Sir John had for his first wife, Marion Johnston. Her father was a second sone of the Laird of Nuby, and her mother, a

daughter to Sommervell, Laird of Carneffen. He had by her Sir Henry Hay, Mr. William Hay of Aberladie, Clerk to the Session, Mr. John, Alexander, and Janet, married to Mr. John Edminston. Sir Henry, eldest sone, is created Commissar of Edinburgh under the designation of Mr. Harry Hay, Advocat, by John Archbishop of Saint Andrews, the 9th day of Octobre 1628, one of the fower places of the Commissariot of Edinburgh being then att his disposition, thorough the deceas of Umq¹ Mr. Henderson ; therefore, he requires Sir Jerome Lindesay, Mr. Robert Nicolsone and Mr. Thomas Aikenhead, Commissars, or any one of them, to receave and admitt the said Mr. Henry Hay to be one of their number, and take his oath for dew and lawfull administration of his office. Amongst the wittnesses I find John Yair, servitor to Mr. John Hay, common clerk of the burgh of Edinburgh. Accordingly, Mr. Harry Hay was admitted the 4th day of Novembre 1628. The seal appended to the gift of rid wax upon yellow, hath a Saint Andrew in a nitche carrying his cross in his hands, and under the scutcheon of Spotswood, which is three trees in a field, and a boar's head on a cheveron ; att the back of the scutcheon you have a cross recrosette ; att both sides, ane J. and ane S. which signifies John Spotswood, about the seal, Sigillum R. D. Johannis Archiepiscopi Sancti Andreæ. Sir Henry married Helen Lighton, daughter to the Laird of Creich, he had five childring, John, William, Henrie, Marie, Euffen. Mr. William of Aberladie married Helen, eldest daughter to Sir John Sinclair of Steinstone, and Mareon Maknath, grandchild to the Laird of Maknath. Sir John Sinclair's grandfather was a famous brewer in Leith, where the Sinclair's Society is yet extant. Upon him there is a song made entitled the Cloutting of the Caldron. Mr. William of Aberladie had by Helen Sinclair, John, Laird of Aberladie, married to Janet Setton, daughter to Sir John Setton of the Barns in East Lothian ; Mr. Henry, Commissar-Clerk of Edinburgh, who had for his first wife a daughter of Murray of Ravelrig, with her he left only one sone, called William,

who succeeded to him in his office of Commissar-Clerk of Edinburgh, and died without childring; and befor his death, he admitted for conjunct, Patrick Aikenhead, to the Commissar-Clerkship, by the instigation of Mr. Andrew Hay. A third sone of Mr. William of Aberladie, was William Hay, Dean of Guild of Edinburgh, who married Margaret Cruickshanks, and left after him three childring, William, Margaret, and Janet; James, Commissar-Clerk-deput of Edinburgh, married to Jean Buntein, daughter to Thomas Buntein and Mareon Elphinston, daughter to the Laird of Talmes, upon whom he begot Henry, Jean, who died, William, who surviv'd him, and James, who died also. Mr. William had also Janet, married to Hepburne of Humbie, surnam'd the fat, and Helen, married to Murray of Livingstone, upon whom he begot Patrick, married to the onlie daughter of the Laird of Humbie; John, ane advocat; Christian, married to Sharpe of Houston, and Helen, married to John Steinson, Laird of Knockhill. John Hay of Aberladie had, by Jean Setton of Barns, John, who died young; William, who married Grissal Fletcher, and had with her, William, James, Jean, and Jacobina, Lewis, coronett of the old Dragoons, George, and Jean, married to John Lothian, who had James and Jean Lothians.

Sir John Hay, Lord Register, had for a second wife, Rebecca Thomsone, daughter to Alexander Thomsone of Duddingstone, and Margaret Preston, sister to President Preston, who was a grandchild of Craigmillar's. I have the contract of marriage betwixt Sir John Hay and Rebecca Thomsone, made in 1622, in the moneth of Aprile, (Sir John Hay, being the common clerk of the burgh of Edinburgh,) wherin it's agreed with the consent of Sir Andrew Hamilton of Redhouse, Knight, one of the Senators of the Colledge of Justice, Sir John Preston of Pennicooke, Knight, Master Alexander Morrisone, Advocat, and Mr. John Kant of St. Jelliegrange, their speciall friends, and Thomas Thomsone of Duddingstone, her brother, that for fulfilling the matrimoniall contract, there should be deliver'd to the said Mr. John Hay, in name of

toocheer, with the said Rebecca Thomsone, his future spouse, the soume of six thousand merks usuall money of the Realm, and that the said Mr. John Hay should deliver fourteen thousand merks money forsaid, makeing in all the soume of twintie thousand merks, to be provided upon lands and annual-rent, by consent of Thomas Cranston and Mr. John Kant, for heritable infestment to be given to the said Mr. John Hay and Rebecca Thomsone, his future spouse, the longest liver of them two, in conjunct fie, and the heirs to be lawfully procreat betwixt them, of the said marriage. Amongst the witnesses we find David Aikenhead, provest, Patrick Ellis, ballif of the said burgh, Thomas Hay, William Guthrie, younger, Robert Thomsone, &c. By this contract it appears that John Thomsone, her brother, was dead. The contract was written by Alexander Patersone, servitor to the said Mr. John Hay. Mr. Alexander Thomsone had for father, Alexander Thomsone of Duddingstone, and for mother, Kathrine, daughter to Sir William Lawson of Boghall; his grandfather was Sir Thomas Thomsone of Duddingston, Knight, his grandmother Kathrine Towrs, daughter to the Laird of Innerleith. Sir John Hay begot upon Rebecca Thomsone, (whom I have heard nam'd the Good Rebecca, by Janet Geddes,) Mr. Thomas Hay, Mr. Andrew, Mr. George, Patrick, Margaret, married to John Stewart, Admirall-Deput of Scotland, sone to Sir Lewis Stewart, who had been King's Advocat under Charles the First, Anna, who married David Aikenhead, sone to Commissar Aikenhead, who was a grandchild of the Laird of Aikenhead in the west. Mr. Thomas, the eldest sone, married . . . Gibsone, daughter to Sir Alexander Gibsone of Adistone, upon whom he begot John, Laird of Atherstone, in East Lothian, Alexander,* advocat, Andrew, a captain in the old dragoons, Thomas, under-clerk to the Session, William, a merchant, who died in Jamaica, going alongst with the

* This Alexander was father to Thomas, who was a Lord of Session, and call'd Lord Huntington, and died 1755. [NOTE.—Upon the margin of the MS. in a modern hand.]

Scots ships to Darien, . . . married to Mr. Thomas Lermond, &c. Mr. Andrew, surnam'd Grave Andrew be King Charles the Second, was some time ane officer in Duke Norfolk's house in England, and governour to his children, therafter he became a charitable assistant to my Lady Drummond, relict to the conservator, with whom it was thought he was married. Whither or not there be a lawfull ground of suspicion or not, I shall not here search too curiouslie. What is most constant, he govern'd that ladie so cunningly, that he became heir to her whole estate. He lost a part of what he had scrapt together with very much pain, att the spoiling of the Roman Catholicks by the moab in the year 1688, the tenth of Decembre; which accident perplex'd him so mutch, that after having wander'd sometime in France, Germany, and Italie, he return'd att last to France, and shut himself up in the Scots Seminarie att Paris, where he lost his sight and knowledge, and shortlie after, upon Munday the 20th of November 1702, he receaved his sacraments, being wasted by adge and the pains of the gravell, his speach failed upon Wednesday the 22d, and continued in his agony till Thursday 23d, upon which day he died, att eleven a'clock att night. Saturday, his corps were carried to the Parish Church of Saint Stephen, and after high mess, he was carried back and buried in the Chapell of the Scots Colledge. His plenishing was left to James Kilgour, his servant, a bigot Presbyterian; yet I have seen most part thereof few days thereafter in Mr. Whitford's possession, who then was procurator of the house. The Jesuits got of him, whilst he was alive, considerable soums of money, which I fancy was the surest way of injoying his fortune. The Scots Seminarie priests would make the world believe, they had no other token of his friendship then two or three old books he recover'd, wherof I have seen one, containing the Statuts and Customes of Cistaux, with a Catoluge of all the houses of that order, and their filiations. Sir William Sinclare of Roslin's name was prefixed thereto, and I think it might have been of some use, if it had fallen into the hands of some skillfull persons in

Antiquities. My Lord Tweddale was left Executor of his Testament, which I design'd to have arreisted in the hands of James Kilgour, his servant, who was intrusted to carry it to Scotland. The businesse was easie to compass upon a complaint given in to the Livetenant Civill of Paris. Yet after some reflexions I was afraid to put upon myself ane affront, and to discover nothing of worth when it should be broken up, wherefor I desisted. Nevertheless, I could never think that the Scots secular Priests should have been so zealous to conserve his Reliques after his death, and so indulgent to support his mad humours and fitts of distraction whilst alive, if either they had not got some bags of his money, or expected a part of the remainder of his fortune.

The Lady Kettleston bore Charles Stewart, Laird of Kettleston, who married a daughter of Sinclare of Longformachus, with whom he had William, John, Margaret, &c. She had also Mrs. Suite, Catherine, who died unmarried att Levingstone, and Anna, married to Skeen of Hal-yards in Fife: ther was ane other call'd who died of a consumption, whilst I was in Scotland.

As for Anne, who espows'd David Aikenhead, she bore Patrick Aikenhead, who was first page to John Earle of Tweddale, thereafter Comissar-Clerk of Edinburgh, and married, first , with whom he had no childring:—for his second wife, . . . Durham, daughter to the Laird of Luffness in East Lothian, who died of the Jaundes. He had with her, Patrick, David, Thomas, and Janet, who outliv'd him. He married, in third marriage, Sarah Sharpe, sister to Thomas Sharpe, Laird of Houston, and who surviv'd him: two sons, viz. William and Walter, were born of this marriage.

Mr. George Hay, youngest sone to Sir John Hay Lord Register, married Jean Spotswood, whose father was Sir Henry Spotswood, Gentleman of the Privy Chamber, and Master of the Green Cloath, Jacobo Sexto, Rege. Her mother was Jean Bulckley, niece to Dame Grissal Bulckley, Lady Valencia, and daughter to Trustram Bulckley of Castill-

bornehill in Anglesy, Esquire, and Mary Evens, grandchild to Sir Richard Bulkley of Bewmares, and Agnes Nedham, daughter to Thomas Nedham of Shewnton, Esquire, and Anna Talbot, whose father was Sir John Talbot of Grafton. Jean Spotswood's grandfather was James Spotswood, Lord Bishop of Clochar in Ireland, who was named after Malcolm Hamilton's death to the Archbishoprick of Cashill; her great-grandfather was Mr. John Spotswood, Superintendant of Lothian, Merse, and Teviotdale, who married Beatrix Crichton, daughter to the Laird of Lugton. Mr. George Hay begot upon Jean Spotswood, John, Jean, Richard, George, Marie. The two girls died young: George was Livetenant to Sir Roger Strickland, Vice-Admirall of England, and after severall journeys he undertook upon King James' account to England, Scotland, and Ireland, not meeting with what justice he expected, in a difference he had with Sir William Jinnius, and finding the Earle of Melford altogether against his interest, he retir'd home, and left the Court of St. Germaines. John married Lady Euphan Ramsay, daughter to the Earle of Dalhousie, by whom he had James, Jean, George, John, Anne, and He was brought up in England, and when the troubles begane, he was very zealous for recruiting the Castle of Edinburgh, which being discovered, he was oblidged for safety to retire to the Highlands, wher he joyned my Lord Dundee, and was sent by him to King James in Ireland, and therafter to Queen Marie in France in 1690. He was dispatch'd by His Majestie for Scotland: upon the 23d of Septembre he set out from Dunkirke upon the *Sorcier*, commanded by Captain Doublet, a frigate belonging to Mr. James Gerardine; but through continuall contrarie winds, a lake that sprung in the *Sorcier*, as also the spending of her masts so far, that she was disabled to prosecute her intended voyage, he was oblidged to go aboard of the *Serpent*, another frigate of Mr. James Gerardine, that had set out att the same time; and after councill held by the Officers and Gentlemen, the *Sorcier* return'd homewards. The *Serpent*, commanded by Captain Keyser, made her way so

far, as she got the coasts of Newcastle, within about 15 leagues of the place he intended to land att, where most unfortunately a Hambourger Man of War of 36 or 40 guns came up, with whom the Serpent had a most hot and bloody conflict upon the 6th of Octobre, for the space of 4 howres ; att length Captain Keyser got off after he had kill'd a vast number of the enemie, and had lost of his own 36 kill'd and as many wounded. The Captain himself was mortally wounded, and John Hay who behaved himself bravely, was wounded in the right arm by a muskett bullett. The bone was not prejudged, yet the arm was a long time in danger by the severall incisions which was made att Dunkirke, wher they arriv'd upon the tenth of Octobre. Mr. David Burnet, Priest, alias Mr. William Foster, whose profession was not to be a souldier, was not wounded in that engadgement, haveing crept into the pump-hole att the first volley of cannon. After John Hay had recover'd, he returned to Saint Germain's, and remain'd there to sutch time as he fell into a quarrell with the Countess of Errole, after which he led in France, Holland, and Scotland, a very penitent and mortified life.

RICHARD HAY was born att Edinburgh betwixt ij and 12 in the morning, upon the 16 of August 1661 ; he was baptis'd in the Tron Church of Edinburgh by Mr. William Annan, Doctor of Divinity, att that time minister thereof, and afterwards Dean of Edinburgh, upon the 23 of August the said year. John Earle of Tweddale, who was afterwards Marques, Chancellour of Scotland, and High Commissioner, John Lord Sinclair, Richard Spottswood of Drumbote, and Mr. Thomas Hay of Lands, were godfathers, or assistants to that ceremonie. He was, by the care of his parents, brought up at Innerleith, Dysart, and Foord, with his cousins, and when he came to riper years, set to schools att Edinburgh and Dalkeith, and sometime att Traquire, where he made but a very small progress in humane arts and sciences, for want of skillful masters. In 1666 some humorous and factious people ingadg'd in rebel-

lious courses, and came to Pentland in arms: they were discomfited by General Dalzell, his father was assistant against the rebels, and he himself remembers that, in coming home, to have seen several balls fall out of his boots in pulling them off. Whatsomever was the pretext of such ane irregular proceeding, we can say that we are commanded to obey kings as well good as evil. *Omnis anima potestatibus sublimioribus subdita sit.* The reason follows: *Non est potestas, nisi a Deo, et potestas a Deo ordinata est: Itaque qui potestati resistit, Dei ordinationi resistit.* The examples of Nebuchanezar, of Saul and Cæsar, are expressed to this effect, who were really and lawfully kings. The Sone of God sayeth, that the people should beware of false prophets, but not of evill, otherways he would not have engaged us to obey the wicked Scribes and Pharisiens, who sat in Moyses' chaire. I shall add here, that obedience is to be rendered them, not out of anie consideration of policie, but for spiritual and consciencious respects: "*Non solum propter iram, sed etiam propter conscientiam,*" sayth Saint Paul, who a litte before writeth, "*qui resistunt, ipsi sibi damnationem acquirunt.*" The reason proceeds from thence, that all superiority and power is subordinat to the power of God, who commandeth obedience to Kings, which hath occasion'd Cassidor to say, "*Nullam satis justam causam videri esse adversus patriam, arma capiendi.*" Moreover, Julianus Apostata persecuting Christianity, whereof he had made profession, and under title thereof had entred possession of the Empire, was acknowledged true Emperour, and obey'd of the Christians in the wars and all other things, except in renouncing their religion, as sayth Saint Augustine and Saint Ambrose. Notwithstanding that, the whole Roman world, (if you will except a few Pagans,) and the chief commanders in those days, were Christians, as appear'd after his death, where the Empire, with consent of all, was given to Jovian, a Christian. Moreover, Valence, Zenon, Leo Isauricus, who were Arriens, Anasthasius, who was Eutichen, and others, who persecuted the Catholiques, were notwith-

standing still acknowledged to be Emperours, and were obeyd without any disput or controversie whatsoever by Christians. I shall here end these reflexions by the 27 chaptre of Jeremiah, wherein those that obey'd not Nebuchadnezar, who had usurp'd the Kingdome of Israel, are call'd false prophets; Caesar, who was a Pagan, and by the strength of arms had invaded his own countrey; yet is to be obeyd by Christ's own saying, "*Reddite Cæsari quæ sunt Caesaris;*" and Saint Paul, appealing to Nero, the most unhappy and wicked man that was ever born of a woman, shows as sufficientlie, that we ought not to take up arms against our Prince, but to submit to his power and authority.

Shortly after this rebellion, Mr. George Hay, his father, died att Edinburgh, whilst he was about five years of adge. His mother, Mrs. Jean Spotswood, married shortly thereafter James Sinclar of Roseline, from which time he was toss'd up and down, till at last he was sent to France about 1673 or 1674, and there thrust into the Scots Colledge, which in former times had been founded by a Bishop of Murray for the poor scholars of Grisy, and in King James the Sixt's days was indow'd with new gifts by James Beaton, Archbishop of Glasgow, and then, being enriched by severall other countrymen, was seated near the Ditches or Fosses of Saint Victor, upon a fancie of Mr. David Barclay, Principall, who rais'd there ane expensive building of stone, not being pleas'd with the old Colledge, which stood near the Colledge of Grassius. Here he remain'd fower years, till att length growing wearied of some hard and humersome dealings of Mr. David Burnett, who had been some time before called from Scotland to be Prefect or Subprincipall, he withdrew to Charters, a head city in the Beauce, and settled himself pensioner in ane ancient Abbacie of Canon Regulars near to that city, build in honour of Saint Cheron (Sancti Carauni,) patron of that province, where he finish'd his rhetoric to the great satisfaction of his masters, as he had done the other parts of his grammer at Paris, in the Colledge of Navarre, where he had severall prizes bestow'd upon him, as a just reward of his learning

in verse and prose. Things being at that time confus'd in his country, and he not much taken up with Scotland, he took the habit of a Canon Regular att Saint Genoveves of Paris, upon the 25th day of August 1678, and having ended his tryal or novitiat att Saint Kathrins, over against Saint Lewis, in Saint Antonie's Street, the year following, he made his vows upon the third of Septembre 1679, in the Church of Saint Genoveve, one Paulus Beurier, abbot thereof, performing the ceremonie of receaving him into the body of those canons, wherof he was the head. Some few days thereafter he was sent to Saint James of Provins, (Sancti Jacobi Prouvinensis,) eighteen leagues from Paris, where he aboad two years under the government of Francis D'Aligre, Abbot of that place, who was newly returned from court after his father's death, whose imployment of Chancellour of France he had discharged durement five years. Carolus de Bourton, Bishop of Soissons, by a special grant of John de Montpezat de Carbon, Archbishop of Sens, gave him there the Tonsure, and the fower lesser orders, which are called Minors, upon the 29th of Octobre 1680, about which time, he being as yet much taken up with Poesie, and the Abbot no less with the building of the house and two Nunries, he made the following epigramme :—

Augustinus amor libyes, et gloria sanctas
 Extruxitque viris, virginibusque domos.
 Augustini ardens imitator, Aligrius ignei
 Claustra viris pariter Virginibusque struit.
 Ergo Augustino quo distat Aligrius? Uno
 Pectore cor flammans hic gerit, ille manu.

The allusion is here taken from the ordinarie way of painting that Saint with a burning heart in his hand, which is a symbol of his great charity. The one builded severall Monastres of both sexes, the other repair'd his Abbacie of Saint James, and gave severall considerable soums

of money for finishing two stately Nunries in Provins, which is the subject of those verses. The same Abbot, haveing founded in the said place a famous librarie, which is made open to the publick severall days each week, gave also way to the said Richard Hay to make the following verses upon the different subjects there to be seen, and the ensuing inscription. *Ad æternam tanti Beneficii memoriam, Illustrissimus et Reverendissimus Dominus, Dom: Franciscus D'Aligre Franciæ Cancellarij filius et Nepos, hujus Monasterii Sancti Jacobi Abbas, post reparatam, ornatamque singulari pietate Ecclesiam, dotatum summa liberalitate monasterium, amplam hanc Bibliothecam publicis usibus, inaudita erga cives benevolentia institui curavit: Anno reparatæ salutis 1681.*

DISTICHON.	Abbatis D'Alligrii tabellæ supponendum Quæ cunctis sparsa est pietas, Doctrinaque libris, Expressit totam moribus iste suis.
ALIUD.	Quæ capit innumeris hæc bibliotheca tabellis, Omnia D'Allegrii sola tabella capit.
DISTICHON.	Quod Bibliothecæ parietibus affigi debet Bibliotheca patet, librorum est publicus usus, Jam nostro, vestrum est, munere posse frui.
THEOLOGI.	Si sacra Scripta tibi placeant, si dogmata patrum, Siste hic, et discas jungere docta piis.
HISTORICI.	Hic longas rerum series, hic tempora belli, Regnorumque vices pagina fida refert.
JURIS CONSULTI.	Qui clamosa fori componere jurgia debes, Hic astræa, suum reddere cuique docet.
MEDICI.	Pæonis arte graves tentas qui pellere morbos, Hic latet innumeris certa medela malis.
PHILOSOPHI.	Si sit amor Sophiæ, arcanos sapientia sensus Deteget, et poteris dogmata nosce Sophon.

GEOGRAPHI. Totum orbem ut lustres, vix integra sufficit ætas

Una, hic, percurres, climata cuncta die.

ASTROLOGI. Orbe pererrato pete sublimi astra volatu,

Te nostra herculeum sphæra docebit iter.

(*alias*) Tutius Icario sphæra docebit iter.

Distichon, variorum tabellis imponendum.

Quos cernis vario permistos ordine libros,

Sint licet exigui, perlege, magna tenent.

MONITUM. Quisquis es, hæc tua sunt, cape cuncta volumina, et aufer,

Siste manus, sola tollere mente licet.

Symbolum illustrissimi Domini D'Alligrii stemmatibus, trino sole splendentibus, insuper ponendum. Lumina non deerunt, si sufficit unicus orbi.

His juvenat, or the two years that follows the novitiat being expir'd, he went to Little Brittany, and there studied his Philosophy and Divinity in the Abbacie of Saint Peter of Rille, near Fougères, (In Abbatia Sancti Petri de Rilleio, quæ est cænobium Filgeriis proximum.) He was advanced dureing his aboad there to Holy Orders. Johannes Baptista de Beaumanoir de Lavardin, Bishop of Rennes, made him sub-deacon, the 19 of Septembre, in the Chapell of his Seminaries; and Henricus Arnaldus, Bishop of Angers, brother to the famed Monsieur Arnauld, so universally known by his workes printed against the Calvinists and Jesuits, made him Deacon in his Cathedrale Church of Saint Maurille, the 18 of Septembre 1683. He sustain'd in the Abbacie of Rille, with a general applause of all the assistants, his Theses of Philosophy in 1683, and his Theses of Divinity in presence of the Provincial Chaptre, anno 1684, wherof he gave severals in a gift to the present Lord Yester, whom he met accidentally in his Abbacie of Rille, whilst he was travelling through France. Haveing finish'd his course of Divinity, he was sent to Charters to teach the third Schoole, which comes to what we call in Scotland the

fourth part. In the very same Abbacie of Saint Cheron where he had studied, being a youth, after some moneths stay there, not being att the beginning of adge, he was made Priest in the Chapell of the Pallace of Charters, the 22 of September 1685, by Francis Batailler, Titular Bishop of Bethelem, Ferdinandus de Neuville, Bishop of that See, and uncle to the present Mareshall of Villeroye, who was vanquish'd the last year att Ramilly, not being able to discharge those functions, being goutish and infirme: he song his first Mess upon the 18 of Octobre following, which was the festival day of Saint Cheron, Titularie Saint of the place where he was call'd to for professing human arts. The 21 of March 1686, he was appointed to hear confessions, and granted the very same authority that was due to the Bishop, of absolving from the reserved cases—a casibus reservatis. Whilst he abroad in this place, he was advertised that upon a set day, which was dedicat to Saint Memine, (Sancti Memmii,) a well in the lower Chapell, near to the tomb of Saint Cheron, was accustom'd to overflow. He heard that Beza, of old, had watched some nights to discover whether or not this great abundance of water did not proceed from the superchery of the canons, who might have caus'd convoe in buckets such a quantity of water as the well could not contain, to allure therby the poor people; he was, as is reported, compell'd to run out in the night time, of the Chapell where he was attending curiously, to shun severall pillars of fire that came out of the well, and seem'd to threaten him. I was not so curious, yet I remember to have seen the well swell over it's ordinarie limits, notwithstanding that the heat was excessive, which I attribute to no miracle, but to a very naturall cause. The same year, loanging to sie the smoak of his own countrey, he return'd home to enjoy himself amongst his friends. The Abbot of Saint Genoveve granted him a commission on the 7 of Septembre 1686, for establishing in England and Scotland the Canon Regulars, wherof there had been in former adges severall considerable Monastres. He parted for that end from Paris, the 8th of Septembre 1686, in coach, and arriv'd the Saturday thereafter at Calais: he

said Mess att the Capucins the following day, the Dominican Nuns refusing him that libertie, because he was in a secular habit. About two a'clock in the afternoon the same day, he departed from thence in a small vessell goeing for England. He lay in the midle of the night betwixt the two Kingdomes, whilst the thundering Canons of Calais made a terrible noise, the account of sutch joy proceeded from the birth of the Dauphin's sone. Munday, about nine in the morning, he landed at Dover, and after some trouble by the waitters and seamen, he went to Canterbury, where he met with a Canon or Chaplain of the Cathedrall of Cambray, and his spouse, a Nun of Saint Julian's, in Cambray, who had born him eight childring, whereof fower were dead of the gravell, and the fower resting alive very griveously tortur'd with the stone. The 8 of Septembre, according to the English account, he arriv'd at London, and some few dayes therafter, kiss'd the King's hands att Windsore; and after he had stay'd some weeks att Court, he took ship upon Saturday, after All Saint's Day, att Gravesend, and the third day after sailing, being Saint Martin's Eve, he strook upon a bank, either of the Leimmun or Ore, and after great storms, landed att Leith 12 days after his departure from Gravesend. The King's Chapell was open'd upon Saint Andrew's Day following: Mr. Dunbar read the office. Upon our Ladie's Day of Decembre therafter, High Mess was sung att one Mr. Alexander's by the Jesuwits, and some few devot women brought over from France; and upon Christmess, in the Abbay Chapell, by one Canteau and some maids. Mr. Abercrombie, of the Order of Saint Benedict, a man not mutch skill'd in singing, did officiat. There was a song in French called a Noel, sung by a quire of women att that time; and from thence, High Mess was sung by one of the chaplains, and vespers, which consisted of one hymne, the psalme, Laudate Pueri Dominum, and the Litanies of the Virgin Marie, by Abercrombie. Few moneths after, one Strachquan came from Italie. My Lord Chancellour imploy'd him to copy his letters from abroad. The Easter following, he was intrusted to hear privat

confessions, which he did without granting absolution. About which time, viz. 1687, upon the 29th of May, att seven of the clock att night, I began to treat with my Lord Perth for ane establishment att Holyroodhouse. The 31 of May, the 2 and 4 of June, there were severall proposals made. The 13 of June, he ask'd whither or not we were willing to build the church after the form of a cross, att our charges; to which I reply'd, that we were not willing. The 16, I return'd in the morning, and finding Duke Hamilton and the Earle of Arrane in company with the Chancellour, the busines was delay'd to 6 of the clock att night, dureing which intervall, I had a long conference with Mr. Lewis Innes, present Principall of the Scots Colledge, who told me, that his Majestie was inform'd that the Church of Holyroodhouse belong'd of old to the Benedictins. Theusday, the eleventh of July, (translation of Saint Benedict,) the keys of the church were given to my Lord Chancellour, who remitted them next morning to my Lord Provost, and gave him 14 days to take away the seats or desks. The Bethler had care therof. Sunday following, the Abbay Parish was translated to my Lady Esther's Church, and the Minister of the Abbay preached therein. In Novembre 1687, I received from Paris a Letter of Association in favours of my Lord Chancellour, the 14 of the moneth, and remitted it to him the 15, in presence of John Patersone, Archbishop of Glasgow, and severall other persons of quality, wherto I return'd ane answer, the 14 of Novembre and 20 of Decembre. The Letter contains what follows:—

Frater Franciscus Morin, Abbas Sanctæ Genovefæ Parisiensis, et Canonicorum Regularium congregationis Gallicanæ et Vallis Scholarium, Præpositus Generalis, dilecto nobis in Christo, illustrissimo et religiosissimo viro Domino, Domino Jacobo Drummond, Comiti de Perth, Domino de Drummond de Stobhall, &c. Magno Regni Scotiæ Cancellario, Majoris Britanniæ et Scotiæ Regi a Privatis et publicis Consiliis in utroque Regno, Salutem, et perfectam Sanctorum in Christo totius

sanctitatis fonte communionem. Singularis tua Pietas, et tum in omnes catholicos, cum præcipue in ordines Religiosos, comprobata benevolentia requirunt, ut quicquid a nobis mutui obsequii in Domino referri poterit, id tibi Jure merito debitum cognoscamus, quamobrem cum nostrum hunc in te animum, nullis aliis, quam spiritualibus officiis, declarare valeamus, pro ea autoritate quam Nobis, Dominus, gratia sua et liberalitate concessit, ubi omnium et singulorum sacrificiorum, communionum, orationum, meditationum, jejuniorum, cæterumque bonorum operum, quæ in universa congregatione, a cunctis canonicis nostris fieri donaverit, omnium meritorum Author Jesus Christus, participationem, communionemque præsentium tenore, facimus et impertimur, in nomine Patris, et filii et Spiritus Sancti. Insuper, Deum et Patrem Domini nostri Jesu Christi, a quo omne desursum donum perfectum est, rogamus et obsecramus ut concessionem hanc de cælo ratam ac firmam habere dignetur. Necnon de inexhausto ejusdem dilectissimi filii sui meritorum thesauro, nostram ipse inopiam suppleat, te omni gratia et benedictione in hac vita cumulet, et æterna tandem gloriæ corona remuneret. Datum Parisiis, in nostro Sanctæ Genovefæ Monasterio, die 10 Junii, Anno Domini 1687. Sign'd Franciscus Morin de mandato Reverendissimi Patris Præpositi Generalis, F. De La Grange,—who is now Abbot of Chateau Landon, and sone to the President of La Grange in Paris.

Upon Sunday 22 of Januarie 1688, betwixt 5 and 6 of the clock att night, I buried, being in my habit, viz. in a white robe, surplice, rocher, and almusse, in the abbay church of Edinburgh, the bodie of Agnes Irwine, after the rites of the Roman Church. Present my Lord Chancelour, the Duke of Gordon, and severall other persons of different religions. Upon Saturday 20 of March 1688, Old Father Murray, a jesuwit, was interred in the said church of Holyroodhouse. The following summer the fornam'd Strachquan, who was imploy'd to copy the Chancelour's letters, preach'd in the chapell of Holyroodhouse. He took for text, "Cavete a falsis prophetis qui veneunt vobis in vestimentis ovium,

intrisecus autem sunt lupi rapaces." His whole discourse ran against the jesuwits, and was fashion'd after such a manner, that the old Roman Catholicks were very much scandaliz'd thereat, and the new converts were noways pleas'd therewith. That very day I was att dinner with the jesuwits in the abbay, and foretol'd them what was to fall out. I was myself asham'd to be assistant at that discourse, knowing the foolishness of the preacher: upon which account I return'd home from the abbay, and the jesuwits, who would not rely upon what I told them, were oblig'd to hear quietly several impertinences that regarded them. The Chancellour himself was mightily offended att that discourse, and for my own part, I drew very bad conjectures therout, considering what Christ says: "*Regnum Dei in se divisum desolabitur.*" There arose the same year, a difficulty anent the observing of Easter no less scandalous. Some would have had the feast kept a week sooner to meet with the Roman account, others were for following the Scots Almanack; the last prevail'd, because the priest had publish'd Sunday 14 days before, that the following Sunday was to be reputed Palm Sunday, Dominica in Ramis. All those petty difficulties were shortly after stopt by the invasion of the Prince of Orange, who landed at England in the following Novembre, with ten or twelve thousand men, to carry on the glorious design of rescuing the three nations from Popery and slavery, and promising to establish the religion, laws, and liberties of those kingdoms upon sutch a sure and lasting foundation, that it should not be in the power of any Prince for the future to introduce Popery and tyranny. This sudden change vex'd a little the king. Cornbury was the first that joyn'd the Prince of Orange with a part of the armie. My Lord Churchill, the Prince of Danemarke, and the Duke of Ormond, follow'd. The King, to put a stop to what was laid to the Prince of Wales' birth, call'd, on Munday the 22d of Octobre 1688, ane extraordinary councell, where Queen Dowager, the Major and Aldermen of London, the Judges, and severall others, were invited, to the number of 75; to

whom the King, haveing expos'd the reasons of his call, and the approaches of the Prince of Orange, the Queen Dowager depos'd that she never stirr'd from the Queen till she was deliver'd of the Prince; Elizabeth Lady Marchiones of Poes, and Countess of Arrane, Penelope Countess of Peterborough, Anne Countess of Southerland, Isabella Countess of Roscommon, Margaret Countess of Fingall, Lady Sophia Bulckley, Susanna Lady Bellasyse, Henrietta Lady Walgrave; Mrs. Marie Crane, Gentlewoman of the Bedchamber to Queen Dowager; Dame Kathrine Sayer, Gentlewoman of the Bedchamber to Queen Dowager; Dame Isabella Walgrave, Gentlewoman of the Bedchamber to the Queen; Mrs. Margaret Dawson, Mrs. Elizabeth Bromley, Mrs. Peregrina Turini, all three Gentlewomen of the Bedchamber to Queen Dowager; Mrs. Marie Anna de Labadie, Dry Nurse to the Prince; Mrs. Judith Willis, her Majesty's Meadwife; Mrs. Elizabeth Pearse, Landress to the Queen; Frances Dutchess of Richemond and Lennox; Charlotte Countess of Lichefield; Anna Countess of Marshall; George Lord Jeffres, Lord Chancellour of England; Robert Earle of Sunderland, Lord President of the Counsell and Principall Secretarie; Henry Lord Arundel of Wardowr, Lord Privy Seall; John Earle of Mulgrave, Lord Chamberland of the Household; William Earle of Craven; Lewis Earle of Feversham, Lord Chamberlane to Queen Dowager; Alexander Earle of Murray; Charles Earle of Middleton, John Earle of Melford, Secretaries; Sydney Lord Godolphin, Lord Chamberland to the Queen; Sir Stephen Fox; Livetenant-Collonell Edward Griffen; Sir Charles Scarburgh, first Phisician; Sir Thomas Whiterlay, second Phisician to the King; Sir William Walgrave, first Phisician to the Queen; Doctor Robert Bradie, one of his Majestie's Phisicians in Ordinarie; James Saint Amand, their Majestie's Apothecarie, depon'd all that the Queen was with childe and bore the Prince of Wales. The depositions were order'd to be enroll'd in the Court of Chancellrie. The Earles of Huntington and Peterborough not being att the Counsell Boord, sent their depositions in writt, containing, that upon

Trinity Sunday, the tenth of June 1688, betwixt nine and ten in the morning.* Those depositions anent the Prince's birth were order'd to be printed, the ninth of Novembre 1688, but without any success, the people's minds being altogether impoyson'd by a number of pamphlets which were spread up and down, so that the King retir'd from London with the Duke of Berwick, with a design to go over to France. The ship was stopt, and he brought back by some boors to Fevershame, from whence he was brought to London upon the 26 of Decembre, but he stayd there but a few days; for the Prince of Orange comeing there upon the 28, sent him word to retire to Hampton Court or Rochester; the King made choice of Rochester, from whence he eschaped into France in a small vessel, with the Duke of Berwick and one Billison, his valet du chambre. He came ashore the 4 of Januarie, about three of the clock in the morning, att Ambletuse, and from thence he went streight to St. Germain's, where the Counte of Louzan, who had convoyd the Queen and Prince from London the 19 of Decembre att night, and landed them att Calais the 20, about 4 in the afternoon, had brought the one and other. In the meantime Gilbert Burnet preach'd before his Highness att Saint James the 23 of Decembre 1688. The text was out of 118 Psalme, verse 23, "It's the Lord's doings, and it's marveilous in his eyes;" and upon the 24 of Decembre there was an act of the Privy Counsell for calling out the Heritors against the Papists and Irish. The rable had destroyd, upon the tenth of Decembre 1688, what monuments of Catholicity were found in the Abbacie of Holyroodhouse, and therafter carrying their bad designs furder, plunder'd without distinction all the houses of the Roman Catholics. There were severall proclamations set out att that time by the Prince of Orange's order, for removing the Roman Catholiques from publick employments, either civill or militarie, and forbidding them any access, nearer than ten miles, to London.

* Sic in MS.

Upon the 7 of Januarie 1689, the Prince of Orange asked the advice of the Scots nobility and gentry anent the present state of affairs, upon Munday, about three in the afternoon, in a chamber of St. James. As soon as his Highness had retir'd, the Scots went to the Councell Chambré att Whitehall, and haveing chosen Duke Hamilton president, they fell a consulting about the advice that was to be given, and after some howers debate, they agreed upon the materials, and appointed the clerks to draw up ane address, and to bring it in the next day afternoon, being Theusday 8 instant, which was done and amended, and amended upon consideration. Att the end of this meeting, the Earle of Arrane made a speach for recalling the King. Wednesday 9 instant, they met att three in the afternoon. Sir Patrick Hume took notice of Arran's proposal, and desir'd to know if any other were of the same sentiment; no answer being given thereto, he said, that Arran's advice was oppos'd and contrarie to his Highness undertakings, and desird the meeting should declare it so. Cardross was of the same sentiment. Duke Hamilton, president, told there was no need of giving their sense upon the Earle's proposal, and that the vote of the meeting, brought in by their order, upon their advice, would sufficiently declare their opinion. This being seconded by the Earle of Suderland, Cardross and Polwart did acquiese, and the meeting voted unanimously the address, which was subscrib'd by 30 Lords and about 80 gentlemen, and was presented att Saint James, in their presence, by Duke Hamilton to the Prince, who met them again at Saint James. Upon the 10 of Januwarie the said persons assembled at the Prince's desire in Whitehall; gave him advice to take upon him the administration of all affairs, civill and militarie, the disposall of the Publick Revenues and Fortresses of Scotland, and desir'd him to call a meeting att Edinburgh upon the fourteen of March, and to send Letters from the Election 15 days before; the Members and Electors to be Protestants, without other exceptions or limitations. The Subscribers of this Address were Duke Hamilton; the Earles of Argyll, Southerland, Glencairn, Eglington, Annandale,

Forfar, Braidalbin, Dundonald, Leven ; the Viscount of Tarbat, the Lords Livingston, Newbotle, Stranaver, Elphinston, Ross, Cardross, Colville, Ruthven ; Master of Montgomrie, Mr. John Campbell, Mr. Charles Campbell, Sir John Maitland, Mr. Charles Campbell, William Cochran of Kilmaronock, Blair of that Ilk, Cockburn of Ormistoun, Sir Patrick Hume of Polwart, Mr. James Montgomrie of Skelmerly, Sir William Scott of Harden, Fletcher of Saltoun, Sir Duncan Cambell of Auchenbrek, Enstruther of that Ilk, Sir Charles Stewart, sone to the Lord Murray, Drummond of Rickarton, Stewart of Balcasky, Sir Archibald Kennedy of Colene, Primrose of Dalmeny, Denholm of Westshiells, Bennet of Grabette, younger, Patrick Murray of Livingstone, Ballif of Jerreswood, James Johnston, Lambington's son, Mr. Robert Murray of Kippermoor, Lockhart of Kirkcoun, Calcart of Carliston, Dickson of Sornberg, Captain Robert M'Kay, Hogue of Harcars, Cambell of Oltar, Hume, younger of Polwart, John Pittilloch, John Guthrie, Ensigne John Mouet, Mr. Archibald Montgomrie, Andrew Ramsey of Wodstane, Alexander Monroe, William Spens, David Fairholm of Moulton, Mr. David Hay of Belton, Sir Æneas Macferson, Lord Murray, Lord Yes-ter, Sir Francis Scott of Thirlstane, Mr. Henry Lockhart, Stewart Par-gionan Elphinstone, Robert Duncanson, Mr. George Wischart, Mr. Alex-ander Johnston, Mr. of Burleigh, Mr. of Melvill, Captain Heugh Mon-gomrie, John Fareholm, John Moncreife of Edie, Cesnock, Cratersyde, Posso, Park (Hay,) Murray of Haddin, Watson of Alhous, Mr. Charles Swinton, younger of Merchinston, Mr. John Sinclair, Lord Sinclair's Brother, Walter Stewart, Walter Douglas, James Hamilton of Bangour, James Henerson, Sir George Mackenzie of Rosehaugh, Lord Glames, Mr. John Rothead, Earle of Drumlanerig, Cambell, younger of Calder, James Stevinson, Mr. of Somerville, Sir Mark Carss of Cockpen, Sir Alexander Brois of Bromhale, Sir James Dalrymple of Stares, Mr. Wil-liam Lockhart, Ensign George Monroe, James Carnegie of Crokston, Oswald of Fingulton, John Shaw of Grenock, Brown, younger of Col-

stown, Earle of Balcarras, Adam Davidson, Captain John Erskine, Cardross, his brother. The Earle of Crawford desir'd of his Highness that himself, the Earle of Lothian, and some others, come to town since the Address was presented, might have an opportunity to subscribe it, which was done. His Highness retir'd, and all showed a great satisfaction.

Upon the eleventh of Januarie 1689, about 4 in the afternoon, the Students of Mareshall Colledge carried in procession ane effigies of the Pope, haveing a Crown on his head, his keys on his arme, cloathed with scarlet robes lin'd with Ermine, and after ane indictment, brunt him in the fire, the trumpets sounding three times before this was done, after which his arms were torne and thrown into his face, and the Trinity Church bell rung all night.

The second of Februarie 89, the Spirituall and Temporall Lords in England order'd that the sixth of Februarie, on which day King James came to the Throne, should not be kept; and the 13 of Februarie, the Lords and Commons make a declaration for deposing King James. Sigismund the Third, depos'd by the States of Sweden, and Henrie the Fourth of France, with other examples, are deduced. Upon the eighteenth of Februarie, the Prince of Orange makes a speech, tending to perswade that a good settlement is requisit for supporting of the Protestant interest att home and abroad. Shortly after, the crown was settled in England upon William and Marie during their lives, and the longer liver of them; and after their decease, to the heirs of their bodie, or of the Princess of Orange's bodie; and failing of them, to the Princess of Danemark, and the heirs of her bodie; which failing, to the heirs of the bodie of the Prince of Orange. Thirte-seven Lords Spirituall and Temporal deserted, and protested against the vote of the House of Peers, against the word abdicated and the throne vacant. The 7 of Februarie, the Lords insisted upon the word deserted, instead of abdicated, because abdication is a voluntarie act of renouncing, which was not to be us'd in this case. They could not agree likewise, that by such a withdrawing,

the Crown became elective, because the constitution of the Government is hereditarie; secondly, because no action of King James could debarre his successors from the throne. Att length both Houses agreed, sixty-five vots for abdicated, forty-fower against, after records produced. Then the question mov'd, whither the Prince of Orange should be declar'd King. Resolved in the affirmative. After the oath of allegiance and supremacie were fram'd, then it was order'd, the House sitting att seven of the clock att night, that the Prince and Princess should be declared King and Queen, and, accordingly, there was a proclamation made, in order to the intended coronation, the 16 of March; and upon the eleventh day of Aprile, Gilbert, Bishop of Salisbury, preach'd att their coronation. They were stil'd William the Third and Marie the Second. They had been proclam'd upon Wednesday 20 of Februarie, by the Lyon King att Arms, King and Queen. Burnet's text att the coronation was taken out of the second Samuell, chap. 23, v. 3 and 4. "The God of Israel said, &c." They had given, upon the 16 of March preceeding, by open proclamation, notice of their design of being crown'd, and had injoy'n'd to receive here, and determine the petitions and claims exhibited concerning the services att the solemnitie, viz. Thomas Earle of Denby, President of their Counsell; George Marques of Hallifax, Keeper of their Privat Seal; Henry Duke of Norfolke, Earle Mareshall of England; William Earle of Devonshire, Stewart of their Household; Charles Earle of Dorset and Middlesex, Chamberlain of their Household; Charles Earle Sherewsberry, Principall Secretarie of State; Francis Viscount of Newport, Threseurer of their Household; Henry Bishop of London; Ralph Lord Montague, Master of their Wardrob; Sir William Dalben, Knight, Justice of the Court of the King's Bench; Sir John Powell, one of the Justice of the Court of Common Pleas, or any three or more of them. Upon the eight of March preceeding, the Marquess of Hallifax, Lord Privy Seal, and Speaker to the House of Lords, presented in the Banqueting House at Whitehall, ane address in name of both Houses, con-

taining that they would stand by his Majestie, in supporting his alliance abroad, in reducing Ireland, and in defence of the Protestant religion, and of the kingdome, and assist him therein, with their lives and fortunes. The Prince's answer was, that he should endeavour to preserve their lawes and liberties, which were the only inducements that brought him from Holland. He recommends to them to cause pay the Dutch expenses, to reduce Ireland, with twinte thousand men, and to stop all communication betwixt France and Ireland, in making themselves masters of the seas, with a strong fleet. He promises to apply faithfully what money was granted him, and to expose his life for the defence of the Protestant religion. Upon Friday twelfth of Aprile 1689, Henry Powle, Esquire, Speaker of the House of Commons, delivered to King William and Queen Marie, a speech, containing, that they were all sensible that his Majestie's greatness was the security of his subjects, and from his power they deriv'd to themselves ane assurance of being defended from their enimies; and, from his justice, they expected a full enjoyment of their lands and liberties. The King answer'd, he hoped in a short time to make them a flourishing people. Upon the 25 of Aprile, the Commons made ane address to King William, assuring him, that when he should think fit to enter into a war with France, they should give him such assistance, in a Parliamentary way, as might enable him to go through the samen, and support it. As for what regards Scotland, in those confus'd times,—

William Prince of Orange, addressed to the Town-Clerk of Edinburgh, the fifth of Februarie 1689, a letter requiring him to make intimation of the meeting the 14 of March, and to chose commissioners five days after the intimation, which was appointed to be att the cross the first mercat day after the receaving of his letters; likewise he requirs the shirreif-clerk to deliver the letters sent to him and addressed to the Lords and Bishops, or to leave them att their respective homes. He recommends to him, that the members be protestants. Those letters were

seal'd with the Prince's arms on white paper. About this time, the rabble made an advertisement in behalf of the citizens of Edinburgh, for electing new magistrats, and requir'd the former to demitt voluntarily. This was done before the sitting down of the meeting: upon the said day 5 of Februarie, the said Prince and Princes were induced to make a declaration for keeping the peace in Scotland. It was printed the sixth of Februarie att London, and proclaimed att Edinburgh the 13. The Prince appoints thereby the next Protestant officer to succeed to the Roman Catholics in all places of strength, and prohibits all persons whatsoever, to bear arms or continue in the army without his express command. Upon the 19 of Februarie it was talked that ther would be ane proclamation at Edinburgh, by the magistrates, for intimating a meeting of the burgesses for electing their commissioners. The Sunday preceeding, the highlandmen att Glasgow committed some disorders in shooting in the church, and whipping some women comeing out from hearing the divine service.

Upon the 22 of Februarie, William and Marie, King and Queen, grant a full and free indemnity to their subjects of Ireland, and a free enjoyment of their estats, according to law, in case they should retire to their respective aboads, and lay down their armes, and promises to the Roman Catholicks, all favour for the privat exercise of their Religion that the law allows, and speedily to call a Parliament, and therin promote a further indulgence, and in case of refusall, and not laying down their arms, he promises to dispone to those that shall be assisting to him in reduceed Ireland, their estats, which, by law, will be forfeited to him.

As for Scotland, the Estats met the 14 of March 1689. The 19 of March, they made ane Act for aproveing the address made by the Noblemen and Gentlemen to his Highness att London, containing just thanks for delivering them from the eminent incroachments on the laws, fundamentale constitutions, and from the near dangers which threatened

the overturning of the Protestant Religion. The same day, the States require all Protestants, betwixt 16 and 60, to be in readiness to be upon call for securing the Religion, Laws, and Liberties; and by the same Act, orders the Members who were retir'd to return. The preceding day, 18 of March, there was ane Act of the Estats made for inbringing of the public dewes due att Martmess, before George Hamilton of Bennie, General Surveyour. The 20 of March, there was a Proclamation att Edinburgh against Papists, discharging them the exercise of all offices, militarie and civile, and requiring them to deliver up their arms, except Gentlemen then wearing swords, and empowers the Magistrates to search all suspect places, and them failing, the Colonels, and to return ane accompt betwixt that day and the tenth day of Aprile, on this side of Eske, and the twinte on the other side.

Friday, the Estats met att eleven of the clock, and sat till 4. Orderd ane Act, discharging all persons to travel with arms that cannot give ane accompt of themselves. A letter from Sir George M'Kenzie read, wherein he signifies, that he had retir'd for fear of being assassinat. Warrant granted to the Earle of Marre, and Storemaster of the Castle of Striveline, to deliver to Andersone of Dowhill, 4,000 stand of muskets, a thousand pikes, a hundred barrill of powder, tow hundred chists of ball, to be carried to Glasgow, and there divided to the Western Shires. Ordered that the Earl of Leven should be sent up to the Castle to treat with Duke Gordon, who was desirous to fire some guns for the King's arrival in Ireland; and, accordingly, he put out the flag of the Castle about fower of the clock, and fir'd five guns, set on his bonfire att six, and fir'd nine guns. Informed by the Earle of Marre, that there were 1,600 Highlandmen in a body in the north, and desired that the Shire of Aberdeen might be armed. The meeting was adjourn'd till the morrow att nine and ane halfe. Saturday 23, the House met about ten of the clock, and sat till two. Two Bishops only present, viz. Murray, and the Isles. Ordered that Sir John Hall, George Strivelynne, and Mr. Wil-

William Hamilton, administered the oath to the Magistrates and Officers of the Town, and Trainbands, on Monday next, and in case of refusal, to elect new Magistrates, and to put in such Officers in the Militia and Trainbands as might be trusted, for it was informed that the Magistrates and others in the Town had a secret correspondence with Duke Gordon. The same day, there was an act made requiring the Stewarts to seize upon suspected persons in arms, or those that could not give an reasonable account of themselves, to guard the highways, ports, and passages. The last was specially recommended to the Magistrates of Innerkeithen and Queensferry; and the arms of such persons as should be apprehended adjudged to those that should seize upon them. The same day, 23 of March, the Estates sent a letter to King William, acknowledging him for their seasonable deliverer, under God. All the members subscribed, except the two Bishops; Duke of Queensberry, Marquis of Athole, and Earle of Tweeddale, being indisposed, desired that the letter might be sent to them to subscribe. My Lord Ross was sent with the letter, without any written instructions. At that very time the Castle and Cameronians, who were posted upon the west side of the Castle, being at hands, a woman was shot the 23 of March, in Livingston's Yards, at the West Port.

March the 27. The States sat from ten in the morning till three in the afternoon. Information being brought to the President that the Lairds of Collen and Ardmillan were gathering arms, in order to transport them to Ireland, order'd to seize upon the arms. Warrant was granted by the States to Major-Generall M'Kay, to beat drums and take on men in any place of the Kingdom, for recruiting fower Regiments, and to have with Duke Gordon what parleys he thinks fitt. Stewart of Coltness was approv'd for Member of North Berwick, in exclusion to Sir George Suttie of Balgown. Mr. William Hamilton appointed Solicitor for dispatching the orders of the States, the following Committee appointed for settling of the Governement, viz. the Marquis of Athole, the

Earles of Argyll, Crawford, Sowtherland, Lothian, Viscount of Tarbat, Lord Melvill, and Cardross: Barons, Polwart, Grant, Dumbar of Grange, Laird of Blair, Harden, Ormistoun, Pitliver: Burgesses Sir Charles Halket, Sir John Hall, Mr. William Hamilton, Muir, Provost of Aire, Fletcher, Provost of Dundee, Anderson of Dowhill for Glasgow, and Sir John Dalrymple, which Committee was to endure two or three days, and in the meantime, the Estats to be adjourned to the next week.

The Town of Edinburgh order'd to furnish carts to Generall Major M'Kay, for transporting his arms and ammunition from Leith to Edinburgh, and from Edinburgh elsewhere; likewise to furnish him with some packs of wool for the publick use, the owners to be satisfied for what wool should be endamnag'd. The Marques of Dowglas order'd to give to the said M'Kay what cannon he had at Leith, and Charles Earle of Marre, Heritable Keeper of the Castle of Strivelyne, order'd to give to the same M'Kay, sutch artillery, carriages, and ammunition as he shall think necessar, out of the Castle of Strivelyne. M'Kay empowr'd to take sutch methods as he shall think fit for blocking up the Castle of Edinburgh. Order'd that the Earle of Perth's letter should be read the morrow, and the Estats sejournd the next day to ten of the clock. The 28, there was ane act for approveing the good services done by the town of Glasgow, the shire of Argyll, and the other western shires, who were in arms in Edinburgh att the Estats command, under the Earle of Leven. The 30 of March, ther was a proclamation for calling together the militia on this side of Tay, horse and foot, the 15 of Aprile, att Curreymoor. One Douglas would neither receive orders from his commandant, nor muster with the rest. His colours, covenant for religion King and kingdomes, and below, Armis et Legibus tutamur. The troupes were commanded to keep together dureing six days, and the absents from the rendezvous were to be holden as absent from the host, and proceeded against accordingly.

Upon the 31 of March, Sir George Lockhart, President of the Session,

was shot by Chiesly of Dalray, going down his own closs, upon Easter Sunday, after the first sermon. This Chiesly had sent a letter to the President att London, telling him that he had taken the government of his family from him, meaning that he had settled an aliment on his lady and childring, who were starving, and therfor desir'd a speedie remedie, els he would attack him, either in kirk or mercat. It was not known that the villain was com'd from London till Sunday 31, which day he came to the New Church, and offer'd money to the Bedler for a part of my Lord Castlehill's seat, just behind the Presidents, whom he design'd to have murder'd there ; but not getting the seat, he would have none att all, and walked up and down the church till the end of the sermon, and sermon was done, Chiesley went out before the President, and gained his closs head, where he saluted him going down, as the President did Chiesly : my Lord Castlehill, and Daniel Lockhart, convoyed a piece down the closs, and talked a while with him, after which they both departed. The President call'd back the last, and whilst Daniel was returning, Dalray approached, to whom Daniel said, " I thought you had been att London," without any other answer then that he was there now. Daniel offer'd to take him by the hand, but the other shuffeld by him, and comeing closs to the President's back, discharged his pistol before that any suspected his design. The bullet going in beneath the right shoulder, and out at the left pape, was battered on the wall, the President immediatly turn'd about, look'd the murtherer griveously in the face, and then finding himself beginning to faill, he leant to the wall, and said to Daniel, " hold me, Daniel, hold me." These were his last words. He was carried immediatly to his own house, and was almost dead before he could reach it. Daniel and the President's chaplain apprehended, in the meantime, Dalray, who own'd the fact, and never offer'd to flie. He was carried to the guard, kept in the Weighouse, and afterwards taken to prison. The President's Ladie hearing the shot, and a cry in the closs, got in her smoak, out of her bed, and took the dead bodie in her arms, at which sight, sounding, she was carried

to her chamber. The corps were laid in the same room where he us'd to consult. The first of Aprile a meeting of the States was called att nine of the clock anent the murtherer. The Provost of Edinburgh and two Bailiffs, with the Earle of Errol's Deputys, were admitted to concur if they pleas'd. Two of each bench of the meeting, viz. the Earl of Eglington and Glencarne, Sir Patrick Ogilvy of Boyn, and Blacbarronie, Barons, Sir John Dalrymple and Mr. William Hamilton, Burgesses, were empowered to sit on the assize, and to cause torture Dalray, to know if any other was accessarie to the murther. The President's friends, out of tenderness to the Ladie and childring, did not insist upon the crime of assasination of a Judge and Privy Counsellor. Calderwood, design'd writer in Edinburgh, upon suspicion, was imprisoned. He was waiting att the Closs-head when the shot was given, and fled thereafter. He had been likewise seen with Dalray att the Abbey, the Saturday before, following the President as he came from Duke Hamilton's lodgeing. The Court sat down as the State rose. The Murtherer was brought in, who did not deny the fact, and confest that none was accessarie. He goot the Boots and the Thumekins,—dureing the torture he confessed nothing. Cardros and Polwart were against the tortureing. Calderwood was brought in also, but confess'd nothing. Sir George was buried in the Grayfriars Church, upon the south side. He was a great favourer of the Kings, no friend to the Roman Catholicks, and ane open enimie of Melfords, whom he regarded as the author of all the troubles brought upon the King and Countrey.

The fifth of Aprile, the meeting of Estats required Sir James Rothead and Æneas M'Claud, Town-Clerks, to convene the whole Burgesses who are liable to watching and warding within the City, upon Wednesday, tenth instant, att eight in the morning, in St. Giles Church, with continuation of days, to choise new Magistrats. The Lords Bargeny and Belhaven, Sir John Maitland, and the Laird of Riccarton, Mr. James Ogilvy, and Mr. James Smollet, were to be present, all members of the

Convention. The Magistrats chosen were to continue to Thursday after Michaelmess, att which time there is a new election to be made of the Town-Councell, Magistrats, and Deacons of the Crafts.

The sixth of Aprile, Charles Hay, servant to my Lord Tarbett, gave in to Mr. John M'Kenzie, clerk, a petition in my name to depart out of the countrey. It was granted, and a warrand given to the President to give me a pass, att the same time the States declared that no Priest was to be allowed a pass after me, but were to be kept as hostages, and to be exchanged with the protestants of Ireland. The pass being readie to be sign'd, was stopt by the Earle of Tweddale, and the matters remitted to Munday following.

The 8th of Aprile, the Estates met att ten and sat to twelue. No Bishop present. After some debats anent the precedency betwixt the Earles of Tweddale and Selkirk, ther was a warrand granted to the President to secure suspected persons, and General Major M'Kay was desired to call in two Regiments of Horse that were lying at Carlile and Anwick, and what forces he should judge necessarie for securing the kingdome from foreign invasion and intestine commotions. Then it was order'd that the artillerie men and gunners should receive two months pay from James Oswald, Generall-Receaver, and that Sir Thomas Moncreif, Clerk to the Thresaurie, should make ane account to the Protestant souldiers who came out of the Castle of Edinburgh, of what arrears was due to them. The nomination of the officers of the Traind Bands of Glasgow approv'd. The day to which my Lord Livingstone was cited to appear before the meeting was prorogued till Thursday, after which my petition was moved again by the Earle of Tweddale. Some were for delaying. My Lord Melville was for granting no pass. Duke Hamilton was either for granting to all priests, without distinction, else for refusing one to me. The Earle of Tweddale, Sir John Dalrymple, and others, urg'd a pass, my case being singular, being neither Jesuit nor Seminarie Priest, but a Canon Regular, having not medled, as others had done,

with business, and being actualie in libertie, so it was put to a vote, whether delay or grant: carried by 45 votes that I should be allowed, without trouble or molestation, to goe forth of the kingdome, enacting myself never to return, and that I should not goe into England nor Ireland. Yet when I came to grant my bond, the only clause I put for eluding the present act, was, that I should not goe immediately to England or Ireland, and in case of return, that I condescended to pay six hundred merks, provideing that that soume should be demanded of me by Parliament. Mr. John M'Kenzie, clerk, was very desirous to fill up in my pass, betwixt and the first day of May, according to the principall warrand. Yet by Sir James Dalrymple's means, Charles Hay, John Ross, and Alexander Preston, ther was no mention made of any particular day of departing, it only being said, betwixt and a certain day. He was likewise very zealous to insert some severe penalty in my bond, as under the pains and punishment of haveing the Laws and Acts of Parliament made against trafficking Priests and Jesuwits, put in execution against me, or els to condescend, that a thousand pounds sterling should be exacted. But that soume, by Charles Hay's care, was converted into a thousand merks, so that all the punishment that can ever be inflicted upon me by this bond, in case of returning again to Scotland, is only to pay a thousand merks Scots; yet, I think I made the penalty fall upon my goeing to England or Ireland, and not upon my returning and goeing away att the day appointed, and as I remember, the bond was thus,—Be it kend to all men be thir present letters, Me, Mr. Richard Hay, Canon Regular, &c. For as much as the States of the Kingdome of Scotland have granted me a Pass to depart forth of this Kingdome, betwixt and a certain day, Therfor, I enact myself that I shall not goe either into England or Ireland, under the pain of a thousand merks, Scots money; and that I shall never return again into this Kingdome, and consents to the registration herof in the books of meeting of the Estats, &c. There was shortly after ane embarguo laid on, yet Duke

Hamilton caused tell me, that the Estats had allowd three ships, lying att Limekills in Fife, to go for France with coals, the 24 of Aprile, being loaded before that the embarguo was laid on all ships going abroad : and upon the first of May, the committee granted a pass to a ship belonging to Bailly Charters loaded with coal, to goe to France ; bot not [one] of those ships were willing to goe there, being sufficiently inform'd of the hard usage the Scots Mariners met with in France.

Upon the ninth of Aprile, the States, upon some rumors concerning the Viscount of Dundee, his gathering men in the North, grant to the President and M^rKey, the power to call in the English Armie near the borders of the Kingdome, and afterwards adjourn'd to Thursday. In the meantime, the Grand Committee was busie with severall preliminaries ; they went through all the Acts of Duke Queensberry and Earle of Murray's Parliaments, and censured the most part of them. They examin'd the Appeals from the Session to the Parliament, which affair began in 1673, upon Duke Lauderdale's occasion. Duke Gordon att that time was shooting from the Castle, for hindering the casting of Trenches. The Earle of Queensberry, Marques of Athole, and the Viscount of Tarbat, came not to the Convention or Committee. The Earle of Braidalbin went home to his own house. One Brade, a servant of the Earle of Murray, was taken att Grenock, near Glasgow, with many privat Letters and other writtings from King James ; the next day he was brought in to Edinburgh and examin'd. The Viscount of Dundee's Letter from Dudhop, the 27 of March 1689, complains that he should have been summon'd to lay down arms, whilst he was liveing in peace att home, and says that he withdrew from Edinburgh, not thinking it safe to stay there amongst a number of wild Highlandmen in arms without authority ; that My Lord Levingston and some other officers came away att the same time ; that in all, they were not more in number than what my Lord Lorne was accustomed to have with him ; that my Lord Levingston, some few miles off Edinburgh, went off to my Lord Strath-

more's house, and other officers to their respective homes, or to their relations; that his appearance before the States was unnecessary; that he could not come with freedom and safety to the meeting, being informed that there were foreign troupes in the Passage; neither would it be reasonable that he should leave his wife till she was brought to bed. The Letter being read, it was put to a vote whither or not the States should proceed instantly against him, or delay till his Ladie were brought to bed, giving, in the meantime, security for his peaceable behaviour. It was carried that they should proceed, wherupon the States declared him fugitive, and order'd ane Herauld to denunce him att the cross, which was accordingly done. The said day there was a warrand granted to the Earle of Marre, to allow the Earle of Perth and his Ladie, what servants they desir'd, provideing they remain within the Castle of Strivelyne, and also to permitt Machany, John Drummond, and Blair Drummond, to speak to him only in presence of one of the Officers of the Garrisone. Tweddale, Forbes of Culloden, and Hewgh Brown, were added to the Grand Committee, for setling the Governement; and a Committee appointed for examineing some persons who were taken endeavouring to get into the Castle.

Upon the tenth of Aprile, the new elected Magistrats of the City, to-witt, Sir John Hall, Provost; Charles Charters, James Machling, Andrew Bruce, and John Robertson, Bailiffs; Thomas Crawford, Dean of Guild, and James Menzies, Thresaurer, caus'd proclaim William and Marie, King and Queen of England, to be King and Queen of Scotland. All the members came with them from the Parliament-House to the Cross, and returned again to the House. The evening ended in bonfires, ringing of bells, volleys of great and small guns, att the Abbey, &c. The same day, being Wednesday, the Lord Ross arriv'd from England, and presented to the States a letter from King William the next day, full of thanks for the trust they had in him,—he acquaints them that he had sent down some English regiments of horse in case they had use for

them; and my Lord Ross told them, that by and attour the troupes mentioned in his letter, there were 14 regiments of horse, foot, and dragoons, comeing to the north of England for their use; also that King William had sent a squadron of ships to cruze upon the coasts, and had sent by sea, mortar pieces, bombes, powder, ball, great guns, &c. The same day, being the eleventh of Aprile, the States declar'd that prelacy, and all superiority of any churchman, above a Presbyter, is, and has been a great and insupportable grievance to the nation, and contrary to the humors of the generality of the people, ever since the Reformation, and that they had been reform'd from Popery by Presbyters, and therefore that Episcopacy ought to be abolish'd. There were 31 vots against the abolishing, and 86 for abolishing. The twelfth there was ane act ordain- ing all members to attend the diets under pain of imprisonment, and order'd that those that were retir'd, should return betwixt the 12 and 22 day, and to attend as others, under the same pains. The thirteenth there was a proclamation against ouning of the late King James, and commanding publick prayers to be made for King William and Queen Marie the Sunday following, being the fourteenth. The ministers of Edinburgh were hereby order'd to read it att the end of their forenoon sermon. The ministers on this side of Taye the Sunday thereafter, 21 instant, and those benorth Taye 28 instant. By the same they did prohibit any injury to be offer'd to ministers, either in churches or meeting-houses. The thir- tenth of Aprile there was ane additional warrand for proclaiming William and Marie at all the crosses of the Royal Burrowghs, with the con- currence of the Magistrats. The said day the meeting, by ane Act, ordains the militia to continue together upon Monday and Theusday, in place of the six days appointed by the proclamation the 30th of March, and that which was paid more than two days to be restored to the out-putters. The 16 of Aprile the Estates met att ten in the morn- ing,—order for calling out the fourth part of the militia. Offer of Card- ross for rising a regiment in name of the Earl of Angus, of a thousand

men. Glencairne offer'd one of six hundred. Blantyre, six hundred. Lord Forrester, his livetenant-collonell. Instrument of Government order'd to be drawn. Crawford gave in a petition of Provest Mitchell against Provest Gordon. Several debates about the burghs. Whither Aberdeen's election should be by the pole or not. Letters disclosed and read from King James to the Earle of Balcarres att Dublin, the 29 of Merch 89, subscriv'd Melford: from Collen to the same att Dublin, the 28th of Merch, from Melford to the same. Letter from King James to Dundee, 29 of Merch, att Dublin, signed Melford. Letter from Melford to Dundee the 29 of Merch. Balcarres was made close prisoner.

Thursday 17 of Aprile the Estats met att ten, mov'd by Scarmerly [Skelmorlie] that the election of Irwine should be on the 24. Argyle offers a regiment of six hundred men. He is granted the power to name the officers. The Earle of Marre offers one of six hundred, and Grant one of Six hundred. The committe appoints a garisone to be put in the Castle of Drummond, and other places in the Highlands. Blantyre desir'd to have three hundred stand of firelocks from Glasgow. Arthure Wdney and George Drummond's petitions moved and referr'd to the Town of Edinburgh. One Cowper taken going into the castle, and intiseing a wright to go alongst. John Hay, and one M'kay complices. The officers of the new militia were divided into ten troupes, 50 a troupe, and were captains, the Earles of Eglinton and Annandale; Lords Ross, Belhaven, Rollo, Newbottle, Yester, Master of Forbes, Laird of Blair, Sir Charles Halket. The 18 day of Aprile, there was an act ordaining some horsemen to be levy'd out of severall shires of Scotland, for securing it as well from invasion abroad, as any intestine trouble, viz. the fourth part of the proportions to which they were lyable by the 27 Act of the Parliament, held in 1663. Munday Aprile 22, the States met att ten and ane half, and satt till two. Two commissions read; one of a captain of horse, another of a collonell of foot. Each regiment of ten companies, and each company of sixtie men. Cardross, approven in his offer of twelve hundred men, allow-

ed the power to nominat the officers. Crawford moved that the instrument should be sent up to London, and the House with all speed converted into a Parliament for fower reasons. The President oppos'd it. Skermorly moved that the letter to King William should be read, which was done twice. The Earle of Cassils moved, that the nameing of the Commissioners for the Union should be referr'd to the King, and the conclusion to the Parliament. Melvill said there was no need for nameing of Commissioners, sieing England had made no advance. Skermorly answered, that there was no dishonour to name: the first things being put to a vote, order'd that Commissioners should be named. President requir'd, that there being ane English regiment arriv'd, there should be no debate as to the locality and quarters. Order'd the Committe to appoint straw and corne.

Theusday, 23 of Aprile, the House met att ten. Dowhill desir'd firelocks from Dumbarton Castle, instead of metch-locks, and some ball for the cannon. Order'd 40 firelocks, and 150 round ball. Moved by the President, that there should be ane embarguo laid on ships and barecks goeing abroad, till they find caution to the collectors that they shall not go to France nor Ireland. That the English horse should be treated civilly. That bear straw should be granted for 3 s., oat straw for 4 s., hay for 6 sh., and a peck of oats 8 sh. Lord Cardross, Live-tenant-Collonell of dragons, empour'd to entre the King's pay, as he muster'd his men. Report of the Committe, that the House should be turn'd into a Parliament. Names of the Commissioners for the Union of both Kingdoms,—Argyll, Crawford, Annandale, Tweddale, Ross, Melvill, Cardross; Barons, Skermerly, Ormistoun, Blacharonrie, Sir John Maitland, Sir Patrick Hume, Craig of Riccarton, Blair; Burrowghs, Sir John Hall, Sir John Dalrymple, Sir Charles Halket, James Ogilvy, Mr. John Murray, Mr. William Hamilton, Provost Fletcher, Provost Muir.

Wednesday, Aprile 24. The Estates met att ten and ane half, and sat till two; Earle of Argyll, Skermerly, and Sir John Dalrymple, chosen

by vote, viva voce, to go and offer the Crown,—no charges allow'd. The Coronation Oath and Adress, for turning the house into a Parliament sign'd. Cardross moved he might have liberty to goe for England to settle his affairs. Granted. Captain Bryce his company ordered for Drummond Castle, to clear the highlands adjacent. Sir Patrick Scott moved a petition of Sir Charles Halket's, craveing that three ships loadned with his coal should goe to France. Granted, provideing nothing was carried out that was prohibit, nor passengers admitted without passes. The Laird of Grant made Principall Shirrif of the shire of Innerness. Petition of the Countess of Balcarres. The Earle of Tweddale moved she should be allowed to goe into the Tolbooth to sie her husband, and that some should be appointed to examine him. Queensberry craved the last. Eglinton was appointed. Thursday 25, the Estate met at eleven. Prayers were said by Mr. Blair. Instructions given to the three Members goeing for England. Annandale and Tweddale moved an allowance should be granted. Argyll allowed three hundred pound sterling, and the other 200 pound sterling. Added to the Instructions, that King William should cause bring from Holland a thousand stand of arms. Moved by Tweddale that instead of the sesse, there should be twenty-fower thousand pound sterling rais'd by their orders. Major Buntein appointed General Muster Master of all the new levies att the President's desire. Livetenant Collonell Balfour set att liberty upon his parrol of honour to keep the peace and appear when call'd. Leven and Kalendar, bail for a thousand pound. The same day there was ane act discharging all officers to take on the militia men of Edinburgh, and ordains them to return them upon payment of what the said officers had given the souldiers.

Friday 26th. The States sat att ten, and haveing considered the report of the committe, depriv'd Doctor John Strachan, Mr. Andrew Kant, and Mr. John Macqueen, and declared their charges vacant. There was a proclamation for thanksgiving. Skermerly moved a contribution for the French

Protestants. Informed by Lanton, that King William was not proclaim'd att Lauder. Petition of the Countess of Perth; allow'd to sie her husband ane hour a day in presence of a commanding officer. Saturday 27. The Estates met about eleven. Informed by Sir John Hall that the proclamation only deprived the Ministers of their benefices, not of their churches; answered, of both. Act for riseing 288,088 pound Scotts for paying the Forces att Whitsunday; approven. Cragy's servant sett at libertie. The Gentlemen about Drummond allow'd to furnish Captain Bryces with fire and candle. Act wherby no vassal or creditor should be pre-judged or loss his lands, estats, and souns of money by the forfeiture of the superiour and debtor, unless he concurr with them in rebellion. A new Committe appointed in place of the old. Munday, Aprile 29th, the Estates met at eleven, sat till one. Informed by the President that M'Ky had a commission to one Dumbar to command the Bass. Order'd that upon Maitland's refusal, he should be declared rebell. Moved by the President that as my Lord Marshall had a commission for Dunnotyr, so he might have one for putting a garrisone in the Castle of Arrane; granted. Commission to the Laird of Caddell for levying eight hundred men in the Isle of Ila upon his own charge. Commission to the Cómmitte to act dureing the adjournement of the States; 13 to be a Quorum, with power to them to imprison suspect person, &c. Lord Lochor set att liberty upon bail for 1000 pound sterling, to appear when call'd. David Lindesay set free upon the same terms. Ratray's petition delay'd. The Estates adjourned to the twinte of May. I caus'd give in, in my mother's name, a petition to the Convention, for payment of what wood had been beat down by M'Key's people. The Estats were not willing to medle in any privat busines, so I caus'd [it] be given in to the Committe the last of Aprile. No visitation of the wood was appointed, because money was scarce, yet the Convention discharged all persons from further medling with the wood and inclosure, except by M'Key's order, or the Commandant-Officer, for the publick use. The Committe also discharged all persons

to trouble, or injure her or her childring in their persons or goods. This act was affix'd upon the church and meeting-house doors, and signed by my Lord Ross, President. Mr. William Hamilton, and some other by-got Presbyterians, were violent against my mother. Sir Daniel Carmichael was of the opinion, that she might give in a second petition for the payment of her wood in a more seasonable time. In the meantime, I finding ane Ostender goeing for Dunkirke, I withdrew myself to France, departing from Scotland the 18 of May, according to the Scots accompt, and landed att Dunkirke the fifth of June, according to the Gregorian stile. After some few days I came to Paris, and the ninth of Novembre following I was made Sub-Prior of Herivaux, and, upon the eleventh of August 1692, Sub-Prior of Essomes; and the 5 of March 1694, I was sent to Champagyne to be Prior of Bernicourt, and put in possession thereof the first of August, upon a resignation accepted at Rome the fourth of June.

Provisions were given me att Rheims the 9 of July. That year was a miserable and hard year, and [I] remember to have seen one day comeing out of my Church, a poor woman striveing against a doge, for a peace of dead horse flesh. The following year, 1695, I was transferd to Saint Pierremont, in Argon, and took possession the said year, 1695, upon the 21 of Januarie, and in 1699, victuals being att a great rate, I procur'd from my friends, for the subsistence of my parishioners, three hundred livers. Here having more leizure to consider with maturity what had passed amongst us, I found that the English pretended, that, notwithstanding of the oaths of allegiance and supremacy, a King might be legally depos'd for insufficiency of government, which they justifie by the practice of former times, wherin Sigebert, King of the West Saxons, was depos'd, as King John, Edward the Second, and Richard the Second. As for the Scots, I find that they were deluded by the fears of popery, arbitrary power, and the loss of their liberties. Now, God knows what ground for all what was alledged: I sie no reall designe

the King had of destroying of the Protestant religion ; for, could a man of sense be alarmed with the Embassy to Rome, when he knew the Embassadore, who fell by the ears with Cardinal Howard, the only man able to instruct him in what might conduce to his purpose, as soon as he came to Rome. Nuncio Dada, who could scarce defend his religion against a man of ordinarie learning, and did no other thing but cry out against the French as hereticks, to the scandale and sometimes laughter of the company, was he a man to endanger the Reformation ? Now, those being the only hands through which pass'd all the traffick betwixt England and Rome, wherof the one brought as bad relations from Rome as the other sent from England, could we conclude, that though the Union of both Churches had been possible, it could have been finished by the politicks of the Ambassador, or learning of the Nuncio ? As for the other Priests, such as Davidson, Dumbar, Abercromby, and severall other blockheads that were sent amongst us, they were not fit instruments for that worke. Now, as for what was said of the dispensing of the test, and his employing and advanceing Papists in considerable places, and in his armie,—it's certain, that if he had taken right measures for sutch a purpose, he had not been so shamefully betray'd. But what was that in comparison of what the Prince of Orange has done, in bringing in a number of fanaticall persons to complete the Estate, who are excluded by the laws of both nations, and abolishing in Scotland, Episcopacy, by a fanaticall spirit. Now, the Kingdome acknowledging no other law but what is made by lawfull authority, that is, by the King and Parliament, and no other authority but the King's alone being able to call the Peers and Commons together, how could the Scots convene in a convention, sieing they had no authority themselves, and consequently could give none to the Prince of Orange, who is neither capable to receive it, nor exercise it, haveing forfeited all his rights, honours, and prerogatives, if any he had, in entering the Kingdom in armes, and declaring himself against the King ? Moreover, if a lawfull

Parliament cannot judge their King, how came the convention to declare the throne vacant, and dispose of his Crown? For can a parcell of seditious men, met att a tumultuous call of ane usurper, declare ane hereditary Kingdome to become vacant, otherways then by the death of the lawfull occupant? Is not the Prince of Wales alive? Whose adge is not capable of breaking the original contract which is fancied between King and People, and, therfor, the throne, if it be vacant, must belong to him. I shall adde, that none can make a crime to the King, in suspending the sanguinary laws, who had a just authority, whilst the convention, who hath none, sets up a man contrarie to law, of a different religion, who takes away the penall laws from Protestant Dissenters, and alters the laws and dispenses with them, whilst he crys out against the King for haveing dispensed with some of the laws. I end here, addeing, that there are more laws subverted since the invasion, than ere have been in King James' reign. These are, in short, my thoughts.

As for the Hays, Cambden mentions in Yorkshire, ad Recal fluvium, Riton, antiquæ familiæ Percy-Hayorum, possessio, and in Brecknockshire, Hay oppidum ad Nagam fluvium.

A P P E N D I X.

I.

CARTA ADÆ COMITISSÆ.*

ADA, Comitissa, Mater Regis Scotorum, omnibus probis hominibus suis et amicis, Clericis et Laicis, presentibus et futuris, salutem. Sciatis me dedisse, concessisse, et hac presenti Charta mea, confirmasse in liberam et perpetuam elymosinam, Deo et Ecclesiæ Sanctæ Mariæ de Newbotle, et monachis ibidem Deo serventibus, Berforde, et unam carucatam terræ super Pefer, quæ dicitur Par-Hay, ita plenarie sicut Robertus filius Gaufridi, eas, melius et plenius tenuit, et per easdem divisas per quas Robertus illas tenuit: quare volo, ut predicti Monachi, prenominate terras, teneant de me et hæredibus meis, in perpetuum, ita libere et quiete, sicut aliqua alia Elymosina, melius, liberius, quietius, et honorificentius, possidetur in toto regno Scotorum, ita tamen quod in illo tempore, Monachi predicti faciant ibi Abbatiam, nec quiddam damni vel disturbance gerant Abbatiae Sanctorum Monialium de Haddingtone, nec ejusdem Sancti Moniales, Monachis. Ego vero et hæredes mei, prædictas terras, prænominatis Monachis, contra omnes calumniantes, warantisare debemus. Testibus Davide filio meo, Alexandro de Sancto Martino, Willielmo de Haia, Henrico et Willelmo filiis Petri de Graham.

* This is the Charter referred to at page 19 of the Genealogy. It occurs in Father Hay's Collection of "Diplomata," Vol. I, p. 5., and is followed by a copy of the confirmation by King Malcolm, which it seemed unnecessary to print. 42v MS 34

II.

ANE EPITOME OR ABRIDGEMENT OF WHAT PAST AT THE L(ORD) B[ALMERINO] HIS ARRAIGNEMENT CRIMINALL BEFOR THE JUSTICE, WHEN HE WAS PUT TO THE TRYALL OF ANE ASSYSE.*

Upon the ij day of March 1635, the Lord Balmerino was presented before the Justice; but presentlie the Earle of Dumfries having hasted home that same day, brought letters down from the King, and the dyet wes prorogat to the 18 day of March, upon quhich day Balmerino wes presented to the Court. Thes assysers were called by their names; the absents, after thrice calling, were valawed in 500 merks the peice, and hasting to the admission of the assyse, Balmerino shortlie said, with a pleasant countenance to the Lord Justice, that since the last act of the receaving of a lawfull and qualified assyse was the most important and materiall passage of the quhol process, and his prime advocate Mr. Roger Mowat, being tyed to his bed extremelie sicke, (a famous testimonall upon his conscience presented in judgment of his sicknesses), it wer agrieable to all equitie that since upon this dyet depended no lesse the hazarde of his head and honor, that the same wer prorogatted till he receaved mor health. Then the King's Advocate answered, directing his speach to the Lord Justice. (1.) That never anie processe of that nature suffered so manie delays. (2.) That ther wes no mor to be said in law, the dittay being found relevant; (3 and lastlie), That Mowat's papers wold supplie his absence, and therefor urged a short and summary dealling. To the which Balmerino replied, that the King's Advocat dissembled a truth which himselfe knoweth; for Ocheltrie his

* Wodrow MSS. See page 40. Sir John Hay, the Lord Register, does not appear to advantage in this Tryal.

bussiness endured a year and a halfe in dyets, and yet not closed, and most part procured by himselfe, and by such as under hand deall for him, bot as for me, I humbly, without repyning, with all patience, subjected my selfe to your dyets, and what delay it hes now taken I am not in mora, bot your Lordship who delayed me, and pressed me with delayes, whereunto I gave way, and wold to God the last act had not taken the halting which it hed gottin ; and although in all criminall persutēs, as ar extant in registars and bookes of adjurnell, the dyets ar from Frydayes to Weddensdayes, and so vicissim, yet my handling wes so short that my persutes held from morning till evening, and continued bot from most to morning, untill the dittay wes qualified, except one day when your Lordship's sickenes maid interuptione, and now when I stand heir upon the perill of my head and honour, a small delay is refused to me. To the 2d : This Act is of such weight, partlie for the convenient objectiones against ane unjust and partiall assyse, and partlie for the exceptiones against the verificatione and probatione of my indytement, and instruction hinc inde to the inquest, and for clearing of my innocence, that on it depends the substance of all. And to the last parte, his papers will supplie his absence, I answer that the case of my cause is deverse from the former, because now my answers must not be exceptiones against the relevancie, which is nullius juris ; but they must result upon such argument of the King's Advocate, as he shall use for verefeing my dittay, and pressing the probatione. Then the Lord Justice said, ye have gotten delayes and favours enew, and you can not be granted in a pretended sicknes : As for your Advocat you have many moe without him, and my assessors tells me it is not the forme, therefor content you : Then said Balmerino, I pray your Lordship, believe me, I beg this favour not to postpone time, or to delay Justice, neither out of the diffidence of my innocencie, nor yet out of fear or distrust, to submit my selfe to the last doome and verdict of my noble Pears, but onlie I desire not to be accessarie to my owne suffering, in my neglect to present to

your Lordship what is right and equitable, qllk when it is refused, I have done. Then said the Lord Justice, yow ar not to judg of right heir, bot I. Then said Balmerino, right is to yow bot as you think it: If your Lordship give me bot this on delay, it is well, if not, doe with it as yow will be anserable to your Judge. I am readie to defend with the weak help that is heir, and when they ar wanting, I must, as God shall assist, mak dust for my selfe. Then the Lord Justice, after private rounding with his assessors, granted the morrow. Bot Balmerino replied, he wold not for that long, deteine the Lords, and was willing now to goe one, it being past 3 a clock after noone: weill I wott, sayes he, my Advocate shall not be able to sture a footte, (for he was sorlie vexed with the gout,) then, with difficultie, Fryday the 20 was granted. That night, at even, the Archbishop of Saint Andrews Chancellor, threatned and upraided the Justice for giving anie favor or delay, and that he could not be anserable to the King, and that the head of a mor worthie then Balmerino did gap upon the street without anie to keep it, (meaning by Mortoune). Alwayes it was appointed that Balmerino should be presented the 20 day, at 8 in the morning, who keiped, but his accusers appeared not till 10 and moir. Then al being conveyned, the 45 wer called againe by their names, and of these was collected out 15 for the assyse; among them Minto, with much great laughter, and Maxwell of Coweth, wer cast upon horning, and against Traquair was objected partiall counsell, and a preconceaved prejudice, by saying befor hand he wer not a good subject could choice bot condemne Balmerino, quhilk two points being deeply sworne, he confessed. To thir wer also added, that being Thesaurer, he could not be admitted, because, by Balmerino's doome, he might intromett with fynes, lyfrent, and escheit by his office. This might also have beine added, that the King being persuer, his owne servant and officer of estate should not be upon his assyse; yet the Justice admitted him, the said Traquair, purging him selfe of malice against him, and affirming by oath that he wold gladlie redeeme that matter with his bloode. Against the

Lord Blantyre was objected this prejudice, having befor hand sworne to damne him ; yet he was, notwithstanding, by interlocutor of the Justice and the Assessors, admitted with Traquair. But Balmerino still instancing the same, desired his oath to be taken therupon. Then the Lord Justice replied, “ you ar too bold to seek a man’s oath against quhat he have deponed upon his oath to me and my assessors in private.” Then Balmerino said that Blantyre had sworne by God to James Stewart and Mr. Nicoll, that if he war on my assyse, he wold condemne me ; at the quhilk, my Lord Blantyre replied with a load voyce, “ By God himselfe, my Lord Justice, I said it.” Then the Lord Justice alledged the Lord Blantyre main-sworne, and boasted him. Then the Lord Justice and his assessors, after long rounding and consulting [put] in his place the Earle of Queensbury, bot he was gone out sicke a litell befor. In end, thay maid choyse of Lawderdale, of whom Balmerino said, he was omni exceptione major, and was admitted. After the quhole 15 wes received, the King’s Advocat read ouer publicklye the dittay, and for verefying thair of, produced the libell itselfe, then Peter Hay his depositione, and 3 letters of the Lord Rothus. These depositiones wer suppressed ; Dunmure, his 2 depositione, and Marke Carie, his depositione. Bot Balmerino’s awne was produced, with some other peeces. Then Balmerino’s Advocat desired the seditious libell to be read, and after that, Haigs letter of the 23d of Juine, from Camveere, confessing in it the contrivings of the same, without the accesse or helpe of any, quhilk long after was shewn to Balmerino and Rothus: quhilk Rothus shewed to the King in Dalkeith, and the King’s Majestie had no time to sight it then : and was 9 moneths after interlyned by Balmerino in these words, wher King James was onlie barely named ; so Balmerino added to, of (blessed memorie), with other aditions also, which war als innocent. Then Rothus his depositione was called for by Balmerino, but refused at furst, albeit it was used against him : in end, with great difficultie, it was produced, and seemed to clear Balmerino much. Then Balmerino’s Advocats went to their exceptiones

against the dittay and writts produced for verifcatione, quhilk all being repelled by the Justice, the Lord Balmerino was referred at 8 o'clock in the night to the cognitione of the assyse. Mr. J. Nisbet, Advocat for Balmerino, had a long and excellent speach to the same, both with Law and Divinitie, quhilk he closed with weighty adjurationes and attestationes to the inquest to doe impartially; to the quhilk the Lord Advocat maid a reply, quottin al the places of Scripture to evince obedience to the King, and opponed Mr. Nisbet in protesting for clemencie, mercie, or pitie, in the case of their fatall error, that is incident to all to be lavish of the blood of the Nobilitie, in taking away of him, in whom was seen the true character of true Nobilitie and piety, quhilk point was by the said Nisbet eloquentlie amplified. Bot by the Lord Advocat answered thus,—albeit I can not, in case of error, recomend a clement censure, especiallie the subject being a Nobel man, yet that motion has no weight, when your Lordship hes to militat by your preposterous pitie with a moir noble, viz. the sacred person of our glorious and dread Sovereigne, the least touch or show of any aspersion to quhose Sovereigne authoritie, aught to be moir dear to you then all your blood and nobilitie, bot much moir in this one poynt, wherin his Majestie, in his government, Royall prerogative and Crowne, is taxed and reproched: as for mercie, grace, pittie, it subsists orriginalie in our blessed Lord, and from him deryved and devolved in parcels upon the persones of kings, by subordinatione invested with the power of royall authoritie, and so by consequens proper only to exercyse by secret persones, to mitigat the sharpe sentens of rigid justice, and that when they will, and how they will. Bot as for you, ye are not Iudicès Legis, bot *secundum legem*. First, your pairt is as in deuti, not to respect of the poore to divert justice, bot to judge imperchellie righteous judgement, nether are they judges of the intentiones and circumstances of the persones, bot of the cryme and fact only, and simplie, and if ye doe so come off the same by successe, what will, ye are assoyled: for the Justice and Assessors finding the dittay or so relivant, ye have no moire to doe, bot to pronounce ether to proveine

or not proveine, guiltie or not guiltie, and for mercie, no quæstione bot our Majestie and dread Sovereigne knowes well how and when to give it: if ye shall against so clear a sentence of the Justice, and so evident probatione as is produced, conclud other wyse, I protest heare against you of ane assyse of error.

Then Balmerino had a most pithie and materiall speach unto the Lords and Barrones upon his assyse, wherin he first handled shortlie and compendiuslie the mater of his innocent accession to that project now declared seditious, efter he had proved by thre pregnant reasons, that he wes not Author. (1.) Haig, his confessione by his lettres, himselfe to be the Author therof. (2.) Rothes, his dispositione. (3.) His oune dispositione, with the sole motives inducing, being the honor of his prince, the guid of the church, and the welth and peace of the cuntrie, as also it being intended to be ane humble petitionne or supplicatione to be presented to his Majestie, in most humble and submissive maner: protesting his simplicitie in the presence of his supreme judge, if he had imaged or understoode it ought ether prejuditiall or dislegall to his Majestie, it should never have rested with him on houre. Nixt, he was not divulger, because in all the dispositiones it was cleare, and promises war taken for not divulging. (3.) Not revealler, since first revealler to Rothus, Sheriffe, and be him presented to the King, and though concealled, yea, not revealed; how could he be (not revealling) formallie guiltie in law, since he knew it not, nor understood it to be seditious, as is now declaired, neither knew he then what was in it disloyall, being intended to be presented to the King in name of a supplicatione, with confidence to be heard. 4. For not apprehending, he answered thus:—Haig wes then the King's frie leige, neither knew he who wes the author then, as the saids dispositiones bears: Further, I doe appeal to your Lordships' owne consciences, if, in my character and generall calling, I have not so walked, as not to dishonor that confession, I allow: If in my particular calling as a nobleman, in that station God hes placed me, I have not endeavored, to my weak power to advance, at least, to wishe the

publick good : If my life, with the current show, veine, and straine of my carriage and conversatione hitherto, can afford the least suspicion of such wickednesse as my adversaries wold beare upon me, who cease not by their assiduous and sedulous suggestiones to draue from your Lordships that finall sentence, by it to sune up and contract, (as it wer,) by compendend all my former sufferings ; be pleased, my Lords, in equall balances, woyd of all by respects, to ponder and weigh this hynous cryme of mine, as the King's Advocate, by this dittay, and his arguments, wold aggieadge it. Consider, I say, if my sufferings hitherto indured, may not well compence the same, which, howsoever, have bein greater then I suppose could have bein expected in any Kingdom professing the Gospell ; yet have I never repyned, expostulated, nor grudged against any, nor freitted I at the forme and maner of tryall, nor yet declyned I that committie wherunto I was called to answer, super inquirendis, a forme of judicatore expresslie prohibited by the lawes of the Kingdome, wher, as also solemne promises was maide, that what was then shewed by me, should not be used against me to my hurt and prejudice, altogether against promises, ar my dispositions used now, for qualification of my dittay in the point of relevancie. Nixt, I was indicta causa committed to closse waird, defamed, deleitted to my Soveraigne, suppressa veritate ; and still, since the time of my 20 months captivitie, I was excommunicate from the companie of al Christian peopell, banished from my familie and wholl affaires : no creature, no, not my wife, gatt accesse to me. And in the time of this hard usage, I maid bot 3 suttes, 1. the benefite of a preacher, to preach on sermon in the week to me, and to give a faint and weak man counsell and instructione, for the good and saiftie of his soule, quhilk I litell did knowe how long it was to be permitted to dwell in this tabernacle of clay, bot was flett refused ; yea, I never heard on sermon, nor the conference of a minister since the houre of my imprisonment, untill this present moment. 2. I crayed the helpe of a physician for my health when greatlie weakened and impeared through my troubles and watching ; bot it was denied. 3, and lastlie, In regairde my sicknesse increassed, and

my bodie not the strongest, I sought libertie once in the day, or two days, in the companie of the constable, only to goe to the yeard or gate, bot my sute was rejected. These ar a taist of my sufferings, besyds the neglect of my wholle affaires, the hurt of my estait, and prejudice of freinds; and now, my Lords, lett not the sophisticall insinuations of the King's Advocatte and others, thirsting my causlesse ruing, preponder my loyaltie to my loyal prince, and my harmlesse innocencie in this my ignorant and simple accession, to a matter not imagined by me ether hurtfull or yet offensive. Nether let your Lordships now (upon quhom God hes divolved the final decision of my innocent cause) be affraide of the terrores suggested subtilie by the King's Advocate, of ane assisse of errour. Know, your Lordships ar not onlie judges of the fact simplie considered, as the King's Advocat wold untrulie and unjustlie insinuat, bot to judge of it by the presumptiones, probationes, and demonstrations theirin most cleare, yea by the apparent signes and intentiones of the partie in the maine aime, scope, and end of that businesse; and thus judging as yow wold be judged, and meassuring, as yow wold have meassured to yow againe, ye shall have great boldnesse in the day of the Lord, for with what measure ye mett, it shall be measured to yow againe. If yow, aither to gratifie men, or for fear, condemne me guiltie, the downe-weighted wrath of God will be your reward: the waggess of iniquitie, worse nor that of Gehazi's blood, shall clave to yow and your house, if through your defaulte my innocent blood be shedd: bewar of that which the King's Advocat does insinuat to sentence with rigour in hope of mearcie: remember the words of Mordicai to Ester, after urging to adventure his life for God's Peopell, and his answer be way of excuse, to whom Mordicai then said, if thou wilt not, then enlargement and deliverance shall arise to the Jewes another way, bot thow and thy father's house shall perishe. So say I: it may be that the King of his grace pardone my life, bot if, upon these hopes, you damne me, yet my life and bloode shal be craved at you and yours, and of your father's house, at the disposing of the Almightye. Remem-

ber how heaue the bloode of Abell lay upon the head of his Brother Cain, who, was a vaigabound, fled from the face of God, and stamped with the blak mark ; for he cryed out my punishment is greater then can be borne, or my sinnes greater then can be pardoned ; and I hope I am your Brother. Remember that the Lord by Nathan, Sam. 2. said to David, a man other wayes according to his owne heart, for the blood of Oriah, notwithstanding of his sound repentance, the sword shall never depart from thy house, with other judgments subioyned ; remember also the Jewes pretending a law, said we have a law, and by our law he ought to die. Joh. the 19 and 7, did also say, his bloode be upon ws and our childrens, and how that bloode layes upon their posteritie is sein unto this day. As the Lord sayeth by his prophet Jeremie, 51 and 35, the violence done to me and to my flesh, shall be vpon Babylon, shall the inhabitants of Zion say ; and my blood vpon Caldea, shall Jerusalem say ; so say I, the violence done to me, and my flesh, shall be upon you and your children. Bewar therfor to be deceived by the King's Advocate's suggestiones, making you believe ye have mor power nor ye have ; nor rest upon the pardon of my life, quhilk although it war granted, should be moir greivous then a 1000 deathes, quher by perpetuall prison, or being bebarred for ever from accesse to his Majestie, and my enemies having at al times his Majestie's ear, [they] will stil deteane and hold me under the heaue burthen of his Majestie's displeasure, never once to be suffered to clear my innocencie. And, further, my Lords, believe me, that this suffering will not rest at me, bot this preparative of myne will be introduced as a practicke, vpon the breache of ane unknowne act or statute never pressed befor : and so yow shall in your verдите, damnatione & executione thereof upon me, open a doore for the lyk sufferings unto otheres ; and so shall not faile to bring upon your selves both my blood and the bloode of others, yea upon your posteritie after you : Beware, therfor, in having ane hand in introducing such dangerous a practicke, never used upon any heirtofor, leist some of

yow quho ar now upon my assisse may be the first upon quhom the like practicke may passe, as has been usuallie sein in the lyk passages or cases; let me therfor intreat your Lordships, once againe, that my blood and the blood of your posteritie endangered heirby, may be dear and pretious in your eyes. Enter deiplie in upon your owne consciences, and lay befoir your eyes the terrors of a wicked conscience, and the fearfull face of ane angrie judge farr above your consciences, and doeth farr transcend the poore feurs of ane assysse of errour wherewith the King's advocate doeth affray yow : fear not man quho have no moir power bot to kill the bodie, bot feare him who hath power to kill the bodie and soule, and cast both eternallie in hel's fyre, to be burned with the divell and his angells. Remember that the verie frowning of him that sitts upon the throne, is moir to be feared then all that man can doe; and how soone ye may be presented befoire that Judge, ye knowe not, from quhom ye can mak no flight, nor appellatione : no wresting of that Judge, no place of evasion from him, bot horrible judgment and unspeakable wraith abydeth in the hells without end. The Lord, who hes the hearts of kings and judges, and all men in his hands, direct and rule your mynds and consciences, and hear- in I attest, that great Sovereigne Supreme and righteous Judge of all the world to be witness; and obtests you all, as ye shal be ansuerable to him in that day, quhen the hearts of all men and women shall be disclosed, to carie yourselves so in this matter as ye shal be answerable to him.

This ponderous and grave speache bred weiping and teares, yea, in the verie eyes of the Popish noblemen; albeit, it produced other contrarie effects in his enemies, for Sir Johne Hay, in great rage arose, blaiming the King's Advocate for not interrupting that part of speiche, in accusing the Committie of a breache of promise. And quhen the King's Advocate, after some hard words past betwixt them, did refuse to make anie further reply, having said enugh alreadie; then said Sir Johne Hay to Balmerino, ye speake untruelie, in alledging the denyall (1,) of a minister; 2, of a phisician; 3, of the frie aire. First,

as to a minister, my Lord St. Androes offered to preach to yow himselve ; 2, as for a physician, it was fatall to prisoners indicted as yow wer to want a physician ; 3, as for libertie to walke out, he said, the constable knew his dewtie. To quhom Balmerino answered, I wonder that the Clerk Register should be so forgetfull, and please to juggle and smoir the truth. As for St. Androes, he sent onlie word, as your Lordships well knôw, that he would send the Bishope of Edinburgh to say service, and I said, that he and his service should be welcome. I have thrie ministers in the Presbyterie of Edinburgh, to quhom I pay stipend, and I beged on stipend in the weike from anie on of them, ether on the weike day or fortnight, and was refused. And for the Constable, he was charged, upon the perill of his head, to let me sie the lift, and his commission or warrant, yet extant, beares close ward under highest paines. Then the Clerk Register upraid the Advocat in letting him accuse the Committie, and bade him bitterlie oppose, as one that knew the contrarie ; quherupon the Lord Advocate said, if there was any such promise maid by my Lord St. Androes, as he could not weill remember, it was referred onlie to the dittay, that it should not be a point of cryme it selfe, bot it wes not restrained from the qualificatione of the dittay libelled against him : [he] affirmed that my Lord Chancellor loved my Lord Balmerino als well as his sone that sat ther, pointing to the President. Therat Balmerino gave a smylling bow or cringe. And in end, the King's Advocate confirmed, that he remembred not that he hard my Lord St. Androes utter such words, or, at least, in these words. To quhom Balmerino, with a modest countenance, said, St. Androes speakes a litell low, et tu aliquando audis male, I will not say male audis ; and as to the Advocat's glosse of the words, he called it a tergiversatione, and a sophisticall evasione. Then in great choller, Sir Johne Hay said, you spake not the truth of the Committie, and that 7 of the Committie wold say the contrarie : To quhom Balmerino replied, I speake nothing but the truth, and if you and all the Committie will say the con-

trarie, I will say and affirme it to my last speich to be ane untruth : and to let your Lordships sie the tricks and juglings of thir men, it is confessed by himselfe and the King's Advocat, that St. Androes in December, as is extant, totidem verbis, in processe where it is to be seine, that a strange commentarie, by ane uncouth distinction, is putt upon it. And for confirming the truth there of, I pray God, if it be his will, to kyth a vengeance upon the lyer betwin you or me. This he uttered not in passion,—bot in the deipth sense of ane heavie oppression of the truth being so pertinaciouslie borne downe.

So they went one and inclosed the assyse ; and after the dittay, processe, and instructiones were debated amongst them, speciallie betwixt Lautherdale and Traquair, from 9 a clock at night till 5 in the morning, Balmerino wes assoiled by the quhole assysse, from being the author, advyser, devyser, consuler, airt, pairt, rede or counsell of the alledged seditious libell, and from divulging and not apprehending ; and in a word, from the quholl dittay, except onlie the point of concealling and not revealling. 7 of the Assysers, viz. (1.) Erles of Murray, Lautherdale ; (2.) Lord Foster ; (3.) and Barones, Lag, Hemsfeild, Buckie, and Sir James Bailie, did cleanse him, in respect of his revealling of it to Rothus Shireffe, quho did acquaint the King wher with ; uther 7 of the Assysers, viz. Erles Marshall, Dumfries, Stormonth, Lord Johnstoune, Westnisbett, Thornetoune, and the Shireffe of Galloway, Sir Patrick Agnew, fylled him of concealling and not revealling. Against Dumfries it was objected that there was horning against him, bot it could not be gotten out of the register, and it was offered to be proven that he gave partiall counsell in that matter, and had openlie avowed that he wold fylle him, yet by his oath purging himselfe of all that was objected, he was admitted ; and all the time of the disputation, both before the Assyses, and after it was chosen till the closing theroff, he sleiped, so that he could have no instruction of the case, except he gatt it by extassie, or revelatione in his sleip. Thornetoune also wes oft tymes at the horne unrelaxed, bot by neglect

not gotten out nor objected. The Erle of Lautherdale maintained his innocencie with great boldnesse against Traquair, from the closing of the Assysse at 8 of clock at night, till 4 in the morning, yea, as is openlie reported and averred in the Assyse, that in the presence of anie Prince of the world, he wold maintaine that writt to be no seditious libell. And the Erle of Murray hearing them at such protestations of law, burst furth in these words,—“ I have no pen and inkhorne termes of law, “ bot, upon my salvatione, I hold my Lord Balmerino als faithfull and “ loyall a subject to our Master as any he hes ; and althought my head “ should goe with his, for all the world I wold not fyll him.” Bot the Lord Traquair’s voyce, being Chancellor of the Assyse, carred it by on ; so that he wes fylled of concealling, and not revealling, and some adde, of being author, quhilk wes also, as is reported, interlyned in the Judge’s sentence, because he revealed the libell, bot not the author, and was assoiled and absolved from all the rest of the points of the dittay ; quhich being so concluded, Sir Johne Hay, out of a nimious diligence, caused Johne Bannatyne wryte the doome, without the advyce either of the King’s Advocate, or yet of Mr. Alexander Colvin, or Mr. James Robertson, quho under his Majestie’s great seall are Justice-deputes, viz. to be taken that day, being Saturday afternoone, to the mercat-crosse of Edinburgh, and there his head to be stricken off, quhilk Sir John Hay and the Lord Justice contended to have done that day, and that all his moveables should fall in the King’s hand : Bot the King’s Advocate being called for, stopped that sudden course, at 8 of clock on Saturday morning, by expungeing these words, and all his moveables, etc. as repugnant to all equitie and the Act of Parliament, quhich, he being convict only of that part of the dittay, of concealing, and not revealling, and being assoiled of the remnant points, can no wayes inferre the forfeit of his moveables, no not of a pecke of victuall, and sayd he wold not be a dytter, nor allower of so rigide a sentence, and unlawfull, quherupon Sir John Hay threatned him, that the hindering of his Majestie’s service

should be upon him : quherunto the King's Advocate did reply, that he wold be weill content that his quholl cariage were written and represented to his Majestie, and before he wold approve of this sentence, he wold rather be complained upon, and said, if they went on in this maner, that he wold goe and mak the wholle carriage and proceidings of that businesse knowne to the King. Quherupon, thus differing amongst them selves about the sentence and doome, Traquair advysed the Justice to remitt the executione till his Majestie's further pleasure be knowne, quhilk Sir Johne Hay still urged summarlie to be execute. The Justice said that he wold tak upon him to delay the executione till the King's will be knowne. And so the sentence was pronounced, adjudging him to death, bot remitting the maner, time, and place of execution to his Majestie's will. So he was remitted to the Castle, and all flesh debarred from him, yea, even his own lady, quho having petitioned accesse to him from the Chancellor, gott to hir choise, either to be debarred from all accesse to him, or else to be restrained to the same close ward with him, and not to come furth againe, quhilk shoe embraced, and so went in to him, and tok hir maid with hir, quhilk being knowine, shoe was charged to come out againe. So this conviction depending onlie upon Traquair his sole voyce, the rest being equall in voyces, he remaines in close ward. And the Justice, with his assessors, with the advyce of the Bishop of St. Androes and Traquair, wrote up to acquaint the King with the proceidings, and desired to know his Majestie's further pleasure. Upon Thursday the 24 of March there was a bill given in to the Councell, that my Lord Balmerino, now sentenced, might have the conference of a minister, and that his freinds might have accesse to resolve the ordering and setling of his affairs ; quhilk bill being red, the Chancellor, by way of preoccupation or prevention, said, that howsoever the desyre of the bill seimed to carie with it some appearance of reason, yet Balmerino being, as he called him, headed man, affirmed, that if his freinds and ministers gott accesse to him, he could doe moir to hinder the King's service and designes in one weike then we

could further it in a year. Bot the desyre of the bill being voyced, the same was clearlie caried as being most just, no man except some of the Bishops and Sir Johne Haye voted to the contrair.

DISTICKS UPON BALMERINO, HIS ASSYSSERS.

ON THES QUHO FAND HIM NOT GUILTIE.

MURRAY.

A Northland office, with a Southland land,
Induc'd not Murray against the Lord's command.

LAUDARDALE.

Live Lautherdale in joy, a heavenlie feast :
Thy conscience heth hazard all the rest.

FORRESTER.

Foster it seimes thy soule heth thought it good,
To venter monyes, fleing seaklesse blood.

HEMPSEILD.

Hempsfeild it seims thow is free of Southland songs,
Thow ventur'd so, to cleanse the just from wronges.

LAG, GREAR[SON].

In Galloway the sune goes downe the wast,
But lagge declairs it ryse in the east.

BUCKIE, GORDOWNE.

Buckie, bot doubt, by God has been direct,
Quhom neither clan nor country have infect.

SIR JAMES BAILLIE.

Baillie was breid within the court below,
But now his heart into the heavens does goe.

THESE THAT FOUND HIM GUILTIE.

EARLE OF MARTIAL.

Marshall was first that wandered from the light,
A senselesse man could doe no moir by night.

DUMFRIES.

What wonder was't Dumfries did thirst for blood,
He out rane the swift, and got bot flesh for bloode.

STORMOUNT.

And Stormount's witt is nought, bot this appears
He chaysed ane heire to fyle, wher goodnesse cleares.

JOHNESTOUNE.

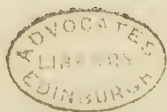
Had Johnestoune's Ghost inspired his thanklesse seed,
It had remembered old Sir Giddeon's deade.

THORNETOUNE.

Thornetoune have long been hunting for some good,
Quhilk being mist, he's prodigall of bloode.

SHIREFFE OF GALLOWAY.

Poore Galloway lads, prepare yow for a cord,
Your Shireffe's grace can cast a saicklesse Lord.



WAST NISBET.

Nisbet devise some other interpryses,
Thow'rt neither good for contray nor for syses.

TRAQUAIR.

When life and death were equall, vot for vot,
In came Traquair for death, and coost the lot.

III.

CEREMONIAL OF BURNING THE POPE,

30TH OF NOVEMBER 1689.*

LET what is here be keeped most secret, for this is promised by all.†

Ane accompt by my Lord Lowdone, the Magistrand Classe, and other Gentlemen of the other Classes, about burning of the Pope on the last day of November 1688.

1. Concluded by vote,—that the Pope's effigies, with that of the two Arch-Prelats, shold be burned.—These effigies to be thus:—

2. Imprimis, the Pope's effigies to be of a full stature, with all the integral parts; to be made of parch-boord, if can be; that his head should be of the same, and a vizard for the face; that he should have

* In Mr. David Laing's curious collection of fugitive Scottish Poetry, Edin. 1825, Crown 8vo, occurs "An account of the Pope's procession at Aberdeen," as referred to by Father Hay, p. 63. This paper, now for the first time printed from the Wodrow MSS. (fol. 27, Jac. V. 1-21), may not be deemed out of place, although referring to an exhibition of a similar nature elsewhere, as it minutely details the whole arrangements, and gives the names of the actors.

† This is written at the top of the paper.

on his head a triple-crown ; a cesnot caip, and a litle gray hairs sowed to it ; his beard of the same ; that he should have on him a red curl gowne with close sleeves ; that he should have on his breast, betwixt his hands, a motto to be devised afterwards ; that he should have in his right hand a bloody dagger, with ane inscriptione ; in the left, a crosse, and the keys over the said armes ; that he should have a sash and some pardons and indulgences at it ; that he should have stockins and pantons of the colour of his gowne ; that he should sit in a large chaire.

3. That the Arch-Primat of St. Andrews should walk on the right, and he of Glasgow on the left, a liteil back from the Pope. That they should be of full stature, and of the same parchboord with the Pope,—that they should wear black gownes, and canonical belts with tippets, broad hats and bands, a motto as the Pope. That they should hold in their hands the address to King James, and something to be devised to be in the other hand ; their stockins and shoes like their gownes.

4. That there should be supports under the chairs, who should stand undiscovered to personate the effigies,—that there should be two Cardinals to personate, and two Curats alike.

5. That there should be a stage at the cross to do it more discretly.

6. That we should go in armes from the Castle through the town.

7. That some should speak to the Magistrates about the business.

8. That there should be a generall collectione this week if possible.

9. That we should have another meeting Saturday next.

Officers.

Collectors.

Lord Lowdone, Col: General	George Irwine for the Magistrand Classe,
Patrick Lindsay	and for the Private Classes
Ralstone	Duchall for the Batchelor Class
Duchall	Jo. Simpstone and Johnstone for the Semi
Auchinnemes	Classe
Mr. John Campbell	Mr. Jo. Campbell for the bejons

Johnstone	Overseers to look over the Work.
Geo. Irwine	Andrew Wallace
Judges	Auchinemes
Lord Lowdone	Mr. Colville and Jo. Simpstone.
Patrick Lindsay	Personators (if they will do it)
	Andrew Foyer, Jo. Stewart, Ma. Sim-
	son, Stephen Redman, Hew Forsyde,
	James Gray, and some others.
Orator and Disputants are to be ordered by the Magistrands.	

(SPEECH) BY A. FOYER, AT THE BURNING OF THE POPE AND BISHOPS.*

He personated the converted Curat, 1689.

WORTHY AUDITORS,

This is indeed a wonder to see us that owned the Protestant interest so much thus tryed, but know, that this is not for any love we bear to Protestantisme, but for our double-dealing in the church: our plotting, conspireing against, and hatred of their present Majesties, the endeavouring of the subversione of Church and State, and our too eagerly pursuing communion with the apostate Church of Rome, is the cause of our coming here: their designing to ruin us, who should have been our guides, is now too obvious. Oh! madnesse unparalleled. O! bold audacity, to run ourselves upon such eminent hazard. Did we think ever to escape the hands of these sharp-sighted students, for while they shall still be condemned by traitors such as we have been, they will be applauded by loyall subjects. I indeed now am more glad that our enterprizes have not been suffered to terminate in that which was design'd, yea, I exult more than

* This Speech, in the Volume of MSS., immediately follows the preceding Article.

although wee had been let escape, without any hope of perpetrations which our execrable minds was fomenting, for now are the enemies of this land more notour than ever. Now know ye your hazard, more at least from airt to expect such malicious proceedings afterwards, could it ever (have) been expected that we who professed ourselves to be opposers of and set against popery, and every error, should this way be taken in way of a plot, endeavouring the conjunction with Rome, from quhom, indeed, we never come off wholly : but be it known to you, that this is not the first enterprise we have endeavoured against the Reformation : therefore, worthy spectators, the pity we crave of you is, that ye may be greived for the disgrace we have done to our profession, and not for the punishments we must, without all peradventure, justly undergoe. O what a strange turn off affairs (*) is this, to see us violently fetched from such a place as this to justice, which not long agoe was wont to be the receptacle off one off our chieff champions, but we may now cry out, Eheu, quam tenui penderit mortalia filo. Wicked men are to be feared, but off all false friends, whose actings still are so occult and hid as makes them latent so long in contriving their grave, their iniquitous decreis, yet assuredly I do think the world may divide our folly. Heathens may scorn us for our eudeavouring to make a stalking horse of our relligions to profess ourselves, till once we could not enjoy our own benefices they never so chang'd their Jupiter, Appollo, nor any of their mock deities. Papists hereafter know quhat to cast upon Protestants, that they were more glad of a bramble Papist to be their King, than any of all the cedars in the Reformation ; but now the fanaticks, whom we truely reproached with such names, see now what our intentions have been all these 30 years,—they see now what was the intentions of the malignants (as they justly called us) in intruding the service book, imposing ceremonies new and unheard of, &c. &c.†

* Something here occurs in cypher.

† There is a good deal more in the same strain, but the reader, it is presumed, has already had enough of it.

IV.

JOHN CHIESLY OF DALRY.*

ARNOT in his Criminal Trials, p. 150, gives a somewhat brief report of the case of this individual, who was tried for the murder of Sir George Lockhart,† before the Magistrates and Baillies of Edinburgh, convicted and sentenced to be carried on a hurdle from the Tolbooth of Edinburgh to the market-cross, on Wednesday the 3d of April, and there, between the hours of two and four of the afternoon, to have his right hand cut off alive, and then to be hanged upon a gibbet, with the pistol about his neck, with which he committed the murder. The body to be hung in chains between Leith and Edinburgh; his right hand fixed on the West Port, and his moveable goods to be confiscated. All which was duly carried into effect.

There appear to have been two separate families of the name of Chiesly,—one designed of Kersewall, descended from Sir John Chiesly, the servitor of Mr. Alexander Henderson, and the other of Dalry, whose descent has not been ascertained. According to Nisbet,‡ they bore arms as follows :—

Chiesly of Kersewall,—*Gules*, a cheveron voided between three cinquefoils, *or*; crest, an Eagle displayed, proper: motto, *Credo et videbo*.

* See page 69.

† There is a very fine portrait of Lockhart belonging to the Faculty of Advocates, and in their Library there is also a folio MS., entitled “A Compend of Durie’s Practicques, by Sir George Lockhart of Carnwath, Lord President of the Session.” It consists of 542 pages, very neatly written, and contains an alphabetical arrangement of the Decisions, under the different legal heads to which they are referable.

‡ Nisbet, vol. i, p. 152. Edin. 1804.

Chiesly of Dalry,—*Argent*, three roses, stippled, gules, and stalked, vert; and for crest, another rose of the same, with the motto, *Fragrat post funera virtus*.

Walter Chiesly of Dalry was the father of the assassin of the Lord President. He had also two other sons, James, and Robert, afterwards knighted, and Lord Provost of Edinburgh, during the years 1694–5.* Upon the marriage of his eldest son with Margaret Nicholson, Walter conveyed the estates of Dalry and Gorgie to him, under a reservation to burden the same to the extent of 10,000 merks, which right he assigned to his son, Robert. Upon the death of his father, John raised an action against his brothers, who were the executors of the deceased, to compel exhibition of all writings belonging to their father, in which he was successful only to the extent of forcing them to depone, as to the amount of any debts which might be made to affect the lands conveyed by the marriage-contract.†

Upon the 27th of April 1682, John Chiesly complained to the Privy Council against two persons of the name of Davis and Clark, “who rode “in the King’s Life-Guard,” (and also against certain other persons not named,) for having invaded him in his own house, taken possession of his stables, and wounded and beat him and his servants. It was pleaded in recrimination by Clark and Davis, that they had come to fetch Dalry’s proportion of straw for their horses, as authorised by the late Acts of Parliament and Council, and that he thereupon, “with sundry “of his servants and tenants, fell upon them with forks, grapes,” &c. broke their swords, and wounded some of them. The matter having been remitted to the Criminal Court, the accused were found guilty,—the one was banished from Scotland, and the other, (Clark,) degraded

* Fountainhall’s Decisions, vol. ii, p. 121.

† Ib. vol. i, p. 144,—June 22, 1681.

from the King's troop, and ordered to find security for his future good behaviour. Fountainhall, in noticing the trial, remarks,—“ This is *not* “ *enough* to repress the soldiers' insolence: the punishment of Hame-sucken, which they certainly were guilty of, is death.” With great deference to his Lordship, the sentence was hard enough, for the soldiers proceeded on “ a warrant they had from Murray, the Lieutenant of the “ King's troop, to come and force corn and straw ;” and altho' acting illegally, were not aware that they were doing so,—the proper party for severe punishment was Murray, who gave the warrant, and not the poor ignorant soldiers,—foreigners, too, in all probability,—who, in the firm belief of its validity, executed it. No proceedings seem, however, to have been adopted against the real culprit.

Chiesly lived unhappily with his wife, and their disputes were the indirect cause of the horrid murder, for which he afterwards so justly suffered. He left two sons, Walter and Thomas, besides daughters, one of whom, Rachel, married Lord Grange, and procured a celebrity from her mysterious abduction, which she probably would not otherwise have attained. The eldest son, Walter Chiesly, was, upon the first of January 1696, served heir to his father in the east half of the lands of Dalry, called the “ Villa de Dalry,” with the mansion-house,—containing a hundred and forty-seven acres of arable land or thereby, lying within the parish of St. Cuthberts ; as also, in the lands of Gorgie, within the same parish, and the teinds thereof. He held the lands of Reidhall, with the mills, in warrandice of the last-mentioned lands. Walter, who is generally designed Major Chiesly, died shortly afterwards, and was succeeded by his brother, Thomas, who got involved in a lawsuit with his uncle, Sir Robert, the ex-provost, relative to the bond for 10,000 merks, granted by Thomas's grandfather to the latter.* The particulars will be found in Fountainhall.† The estate of Dalry having been sold by the Major to

* See preceding page.

† Decisions vol. ii, p. 121.

Sir Alexander Brand, but the price not having been paid at the time of the former's death, the sisters claimed it as executors, and were successful, "the Lords having, by a narrow plurality, found the price" moveable.*

It seems now to be pretty evident, that the real cause of the removal of Lady Grange was her having become acquainted with her husband's intrigues with the Court of St. Germain's. She was a woman of violent temper, and having attained knowledge of this important secret, whenever she was displeased, threatened her husband with exposure. It became, therefore, absolutely necessary, not merely for his security, but for the safety of his numerous Jacobite friends, that her Ladyship should be removed. Lord Lovat is generally supposed to have managed the "énlevement," but in a letter from him to Mr. Thomas Frazer, writer at Edinburgh, dated "Beafort, 16th September 1732," he positively denies having any hand in the matter. "As to that story about my Lord Grange, it is a much less surprise to me, because they said ten times worse of me when that damn'd woman went from Edin: than they can say now; for they said that it was all my contrivance, and that it was my servants that took her away; but I defy'd them then, as I do now, and do declare to you, upon honour, that I do not know what is become of that woman, where she is, (this is written over, "who takes care of her," which is erased), or who takes care of her; but if I had contrived, and assisted, and saved my Lord Grange from that devil, who threaten'd every day to murder him and his children, I would not think shame of it before God or man; and where she is, I wish and hope that she may never be seen again, to torment my worthy friend.

After remaining about nine years in St. Kilda, Lady Grange was removed to Assint in Sutherland, and from thence transferred to the Isle of Skye, where she died. She was confined for some time in Castle Tirrim, Clanronald's seat in the north,—attempting to make her escape

* Fountainhall, vol. 2, p. 250.—December 22, 1704.

through a narrow aperture in the wall, she fell down and broke her arm. The place is still called the Lady's Hole.

The Scots Magazine, for Nov. 1817, has preserved some very curious particulars relative to her, and especially a narrative of her abduction, said to be written by herself:—the reader will find it in the next Article of the Appendix.

In the year 1799, there was published at Edinburgh, in 4to, a Poetical Epistle from Lady Grange to Edward D—— Esq. written by a person of the name of William Erskine, a writer in Edinburgh:* this individual not being a matter of fact personage, and never imagining that such a common-place circumstance as a threat to betray her husband's secrets, would occasion the mysterious sojourn of her ladyship in St. Kilda, accounts for her captivity, by supposing that she had been detected in a crim. con. affair with the aforesaid Edward D——; † he commences in the following terrific strain:—

Rave ye fierce winds, ye angry surges roar,
Climb the rude cliffs that circle Kilda's shore.
The tempest rolls along the troubled heaths,
The lightning glares, and yet Matilda breaths!
Blasting the groves, the flame-wing'd torrents speed,
Yet glide innocuous o'er this guilty head:
Yes, I have scorn'd thy laws in love sublime,
And glory in th' inexpiable crime!

* Erskine, after this, went to Bombay, his *beautiful* verses having, no doubt, procured him an appointment.

† Too bad, as the Lady, when carried off, was old and ugly. At the time Mr. Erskine favoured the world with his poetical lucubrations, adultery was very fashionable, and ladies went in shoals to the theatre, to patronize the frailties of Mrs. Haller, and sympathize with her sorrows: he therefore thought, in all probability, that his heroine would excite much more interest as an adulteress, than as a persecuted but virtuous wife.

This is very fine ; but poor Lady Grange becomes more particular. She talks of passions' rush,—burning cheeks,—wild emotions, and their headlong force ; next, she moralizes,—then abuses her papa for forcing her to marry the “ crutch borne Cosmo,” i. e. Lord Grange,* who

Profan'd love's sacred laws,
And midnight's sheeted spectres screamed applause !!

The idea of midnight spectres in sheets witnessing the consummation, and screaming applause, is indeed highly poetical.

After a good deal more of this sort of thing, the unfortunate victim of the lustful Cosmo bids the “ vain illusions fly,” and proposes to “ snatch a melancholy joy” in the remembrance that her Edward lives : then sinking into a voluptuous delirium, she passionately exclaims :—

Oh ! could I clasp once more his angel form,
Without one sigh I'd meet th' o'erwhelming storm,—
Hang on his neck,—invoke th' avenging fire,
And in an ecstasy of love expire !!!

Strange to say, this wretched trash passed through *two* editions.

* Lord Grange, instead of being “ crutch borne,” was a vigorous young man, and so far from “ forcing,” was the party “ forced,” as it is said the lady came unexpectedly into his chamber one morning, with marriage-lines in one hand, and a loaded pistol in the other, and bid him remember she was John Chiesly's daughter. My Lord, who had previously slighted her, did not seem inclined to dispute her legitimacy, as he instantly protested unaltered affections, and signed the marriage-lines.

V.

AN ACCOUNT OF THE MISFORTUNES OF MRS. ERSKINE OF GRANGE, COMMONLY KNOWN AS LADY GRANGE.*

The extraordinary case of Mrs. Erskine, known by the title of Lady Grange, excited great curiosity about 80 years ago, and is yet very interesting, on account of the mystery which attends it, and its apparent connection with the plots of those who were concerned in the rebellions which broke out in the years 1715 and 1745.

Her maiden name was Rachel Cheisly. She was the daughter of Cheisly of Dalry, who shot the Lord President, Sir George Lockhart, in revenge for deciding against him a law-suit, which had been referred to his Lordship and another of the Judges as arbiters. She was a beautiful woman, but of a very violent temper. It was reported that Erskine of Grange (a brother of the Earl of Marr) had seduced her, and that she compelled him to marry her, by threatening his life, and reminding him that she was Chiesly's daughter.

Mr. Erskine's character is represented as having been by no means amiable. He was dissipated, restless, and intriguing; and was supposed to be concerned in some of the measures preparatory and subsequent to the rebellion in 1715, of which his wife was in the secret. † His frequent journeys to London, and some of his amours there, gave her so much uneasiness, that she threatened to inform government of all she knew, unless he consented to give up plotting, and live quietly at home. He did not choose to comply with these terms; and he formed a plan,

* From the Scots Magazine for November 1817, p. 333.

† She used, it is reported, to play the eaves-dropper, to watch her husband's motions, and to open his letters, and it was in this way she ascertained what was in contemplation.

by which she was violently seized in her own house and dragged away. It is a remarkable circumstance, that, notwithstanding the noise which this barbarous and tyrannical act occasioned, no means were taken to bring the perpetrators to justice, though some of them were well known. Grange had the address to persuade the public and his connections, that his wife was a mad woman, who had frequently attempted his life, and that confinement was absolutely necessary. He used to shew a razor, which, he said, he had taken from under her pillow. She had two sons grown to manhood at the time she was carried off, and it was suspected that either one or both consented to it. Her daughter, by Mr. Erskine of Grange, was married to the Earl of Kintore. None of her relatives ever made the smallest stir about the matter. The fate of Lady Grange, after her seizure, has hitherto remained uncertain, except that it was known she had been carried to St. Kilda. I have, however, obtained a manuscript, which throws much light on this transaction. The MS. is a copy of another, partly written for Lady Grange, by the minister of St. Kilda, and partly by herself. This manuscript I now send to you, with this remark, that it was found among the papers of a gentleman who flourished at the time of the transaction to which it refers, and who never would have put into his repository any thing of the kind which was not authentic. Indeed, the internal evidence it bears, proves the authenticity of the narrative almost beyond question. During my inquiries in regard to this extraordinary transaction, I learned the existence of several documents which confirmed the story as narrated in the MS.; and also that some original letters of Lady Grange, which had found their way from St. Kilda, had been recently in the hands of a bookseller* in Edinburgh, from whom they had been purchased for the purpose of destroying them. It is not surprising that the descendants of

* Mr. William Blackwood,—they were purchased, it is understood, by the late John Francis Earl of Marr, who presented them to the Marquess of Bute, and it is believed that they are now in the Collection at Luton.

the parties concerned should feel a desire to bury the story in oblivion, on account of the conduct which the narrative displays. But in matters of history, especially when the dispositions and manners of a people are interesting, private feelings must be disregarded. Nothing has yet appeared which exhibits in a stronger light than the following narrative, the ferocity not only of the Highland clans, but of a portion of their southern neighbours; and it is valuable, in so far as it proves the long duration of barbarism, and assists us to appreciate the astonishing rapidity with which civilization has proceeded in Scotland, and more particularly in the Highlands. Being myself a member of a numerous Highland clan, I am not ashamed to avow, while I lament, the savage state in which the Highlands were suffered to remain, till a Chatham arose to demonstrate the value of that lofty spirit of freedom, and of attachment to each other, which, while under no regulation but the caprice of a few chieftains, naturally resolved into hatred of their southern neighbours. Many of my name were concerned in the rebellions which agitated Scotland during the first half of the 18th century; and many may have been guilty of actions equally atrocious with that of which I now give you the details; yet I have no other feeling in connection with the past, than thankfulness for having lived to see the effects of the enlightened policy of Chatham, and that policy followed up by the liberality of the government towards the most remote districts of the empire, in opening up a country hitherto inaccessible, by roads and bridges, executed under the direction of the most able engineers. I am, Sir, your most obedient servant,

GAEL.

January 21, 1741.

“ I, the unfortunate wife of Mr. James Erskine of Grange. That after I had lived near 25 years in great love and peace, he all of a sudden took a dislike to my person, and such a hatred, that he could not live with me, nor so much as to stay in his house; and desired me to subscribe a se-

paration during his pleasure, which I thought was contrary to my vows before God, and that I dearly loved my husband. Both his friends and mine own were at a great deal of pains to persuade me, but I absolutely refused to subscribe it. At last, after much threatening, he got me out of the house, and I designed at that time to go straight to London; but some of my friends thought his temper might alter, and gave me your house to stay in, it being a little without the town, I desiring to live retired. After having lived some months there, I came into Edinburgh, and I took a chamber in a private house near to my lord's lodging, that I might have the pleasure to see the house that he was in, and to see him and my children when going out and in. I made both his relations and mine own speak to him, and some ministers, and was always in hopes that God would shew him his sin of putting away his wife, contrary to the laws of God and man, and this was no secret; for the president of the session, and several of the lords, the solicitor, and some of the advocates and ministers of Edinburgh, knows all this to be truth. When I lost all hopes, then I resolved to go to London and live with some of my friends, and make myself as easy as I could without him. Having paid a part of my coach hire, and taken a leave of my friends, and of the ministers, two days before I should have gone away, upon the 22d ——— 1732, after eleven o'clock at night, it being the Saturday evening, the house belonging to one Margaret Maclean, a Highland woman, she put the few she had in her house to bed, which were two Highland women, and a little servant maid, an hour and a half before ordinary. I had no servant with me in that house but a chamber maid, and whether she was upon that plot, or whether the mistress put her out of the way, I know not. There came two men to the door, saying they had a letter for my lady, and the mistress of the house brought them to my room door, and then rushed in some Highland men, whom I had seen frequently attending my Lord Lovat, and, if I well remember, had his livery upon them, who threw me down upon the floor in a barbarous manner, and I cried

out murder. Then they stopt my mouth, and dang out several of my teeth, and I bled ; and abused my face most pitifully with their hard rude hands, till there was no skin left on my face all below my eyes ; for I was always putting out the cloaths as fast as they put in, being on the floor at the time, and I defended myself with my hands, and beat with my heels upon the loft, in hopes the people below would hear me. And then a near cousin of my Lord Lovat's lookt in at the door, and gave directions to cover my head, and tye down my hands with a cloath ; they had wrestled so long with me, that it was all that I could breathe, and then they carried me down stairs as if they had a corps. I heard many voices about me ; being blindfolded, I could not discover whom they were. They had a chair at the stair foot, which they put me in ; and there was a man in the chair who took me on his knee, and I made all the struggle I could ; but he held me fast in his arms, and hindered me to put my hands to my mouth, which I attempted to do, being tied down. The chair carried me off very fast, and took me without the ports ; and when they opened the chair, and taken the cloth off my head to let me get air, I perceived, it being clear moon light, that I was a little way from the Multer's Hill,* and that the man on whose knee I sat was one Alexander Foster of Carssbonny, who had there six or seven horses and men with him, who said all these were his servants, though I knew some of them to be my Lord Lovat's. The names they gave them was Peter Fraser, whom I believed to be my Lord's page. He came along with me and the chair, but did not ride with me. I believe it was he that set me on the horse behind Mr. Forster, if I well remember, and they tied me fast with a cloth to Mr. Forster ; and there was three of my Lord Lovat's servants who rode along, one of them was called Alexander Fraser, and the other James Fraser, and his groom, whose name I know not. These were the names they gave them, but whether they were their proper names I know not. Another that rode along was Andrew Leishman, a tenant

* Where St. James's Square is now.

in West Pomeise, which belongs to Mr. Stewart, and had been tenant there this 26 years. I heard another of the horse was a young gentleman, my Lord Lovat's cousin. I heard so, but did not see him, for he kept out of my sight. Before they set me on horse, I showed how all the linens about my face was covered with blood, and that they had torn all the clothes upon my head, and torn out some of my hair, and blindfolded me; but the joggling of the horse shuffled up the clothes off my eyes, so that I saw what way they rode with me, streight by the long way. I saw that I was at the back of the castle. They took me the streightest way to Lithgow; and it was a very frosty, cold, bitter night. I took stitches in my side, sitting in a constrained posture; and I begged Mr. Foster to allow me to light a little till I was eased of my pains. Mr. Foster cried to Sandy Fraser to stop my mouth again, for it was he that stopt my mouth when I was in my own room, and called me a damned bitch, that he would break my neck if I did not hold my peace, was he venturing his life for me. He took me a little beyond Lithgow. When he saw that day was approaching, he took me into a house which belongs to John Macleod, who is an advocate, whose servant had known of my coming, and met me with candles in their hands at the far end of the entry, and brought me into a very good room, and fire on, so that they knew of my coming. I saw no servant in the house but two men and a woman, and told them whose wife I was, and that I was stolen; and he presently took me up stairs to a very good bed-room, which had a fire, and good linens in the bed, which I looked to, and found Mr. Macleod's name on them. They kept me there all day, and would not allow a woman to come up into the room, but set Sandy Fraser with me all the day; for which reason I would not throw off my clothes for as wearied and cold as I was, Fraser was so barbarous and cruel. When it was night, about seven, he told me I had some more miles to ride; and he took me down stairs by force, and tied me on the horse as I was the night before. He rode streight to Falkirk, and we met none on the way, it being the Sab-

bath night, which I thought very misfortunat, or else I would have cried out for help. He rode away by the south side of Falkirk, and through the Tore Wood, which way I knew all, having travelled it before. Some little after we left the Tore Wood, he rode a way which I knew not; and I was very weary, it being a bitter night. He said he was taking me to his own house, but did not tell me its name, and thought all along I did not know whom he was, a cloth being tied to his face, that I might not perceive it; and he brought me streight to Wester Pomeise, where he was factor for Mr. Stewart, who is married to Brisbane of Bishopstoun's sister. He took me in through a laigh vault, and then into a room of the vault, the windows of the room being nailed with thick boards, and no light in the room; but in a little closet, a little slitt where a man could scarcely put in his hand, less than the thieves' hole in Edinburgh, and a very old ugly bed without a roof, a timber chair, with the half of the bottom in it; and there I was kept a closs prisoner for thirteen or fourteen weeks, not having liberty as much as go without doors; and two doors lockt on me, cross bars on the outside. The servant that waited on me there was an old gardener, and his wife that he had provided, who had a meall garden in Stirling. His name is George Ross, and his wife's name Agnes Watt. He lived in Stirling many years, and had two sons and a daughter, who was frequently with their father, and saw me. Andrew Leishman, mentioned before, brought what meat and drink I needed, and all other provisions, such as coal and candle. He went always to Mr. Foster, [and] got directions about it. His wife served me in what things she could do about me. They have three daughters which his wife has born, and his eldest son, William Leishman. They kept me so long closs prisoner, that it endangered my health, and I grew sick, and Andrew told Mr. Foster that he would allow me to go out, and that he would not have a hand in my death; and then I was allowed to go to the high rooms, and to go to the court to get the air, much against Mr. Foster's will. The gardener was kept there for a scoury, to dress the

garden and the trees. Sandy Fraser was left with me the first three or four days, and then James Fraser was sent out to wait of me, for he would not trust me to the gardener; and he kept the key in his own custody day and night. My Lord Lovat came frequently through Stirling to Mr. Foster, his house being within a mile of it; and Mr. Foster went out and met him, to concert matters about me, and James Fraser, who waited of me, went with him. I was kept prisoner there till the 12th August, and then Peter Fraser, my Lord's page, came and staid till the 15th. Mr. Fraser came up then, and three Highlandmen with him, and took me out of the room by force; James and Peter Frasers carried me out, and set me on a horse behind the captain. It was about ten o'clock at night, and carried me away by Stirling; and when I offered to cry, they came with a big roll, made for the use, to stop my mouth, and a cloth to tie about it to keep it in; and they carried me along by Stirling bridge, and after that I knew no more of the way. It was moonlight, and they rode till it was near day, and then took me into . . . house. The captain, Mr. Foster, went to the room with me, and sat a little with me, and never came near me after that. He gave the charge of me to one who called himself Alexander Grant, but I believe he feigned his name; he rode with me out of Pomeise that night's journey; Andrew Leishman and Peter and James Frasers were the rest of the company that rode, and a man who was our guide, called himself Macdonald, and told me he was born at Glengary's. Always when they took me out of any place, they did by force, and I had them consider what they were doing in taking me away against my will. Whenever it was night, they set me on a horse behind Grant, who was nothing but a silly fellow, and he could ride before me; and then they set my Lord Lovat's footman, James Fraser, before me, and tied me to him, that I might not leap off; and rode all night with me, and brought me into General Wade's new way, I knew not how far in the Highlands. Whenever it

was day, they took me into a house, and kept me there all day, and when it was night, set me on a horse by force. And always when we came by houses, I attempted to speak, then they offered to stop my mouth. We rode all night, and again morning, with great difficulty, they found a barn to put me in; there they kept me all day, and it being far in the Highlands, by four in the afternoon, they set me on a horse again, and rode all night. Again Saturday, they brought me to a . . . Mr. Forster, though he came not near me, always rode behind or before, and lodged always in the same place I lodged. Upon Saturday I saw him take horse and his man with him. I look't out at a hole, and saw him. Again [at] night they set me on a horse again and carried me amongst the Highland hills, and rode till it was near morning, and laid me down on the grass, being very weary; and they rode all the Sabbath; the side of a hill, and the way was so bad that it was not rideable, for they carried me in their arms; we were at an open shils all that night, and the next day the waters were so high, that we could not cross till it was near night, then they got me on horse and carried me to a place called Milltown, when preparations were made for me, that being the 28th day of the month. I was never in bed all the time since we came from Pomeise. With their rude hands they had hurt one of my breasts. I was kept there sixteen days, and all the company left me, but James Watson's herd. This was on my Lord Lovat's ground. They called the man of the house Andrew Fraser. Grant came on the . . . of September, and set me on horse by force, at night, and put me in a boat, which was in a loch about a mile from Milltown. They crossed the loch with me, and James Fraser left me there some nights without, and some nights in byres. After we crossed the loch, and again the 9th of the month, at the evening, we came to a loch side on Glengarrie's ground. I should have been taken to Scoto's house, brother to the Laird of Glengarry, whose wife was aunt to John M'Leod the advocate, for the man who was to get

me was one Alexander Macdonald, for I was to come to Scoto's house,* but they altered their minds and ordered him to come to Lochnirn,† and wait for me on the 10th of the month, on the break of day, for fear of their being seen, for they were always in terrour. They dragged me by force, and I cried bitterly out; they were all highlanders, and nobody understood me; and took me into a sloop, of which Alexander Macdonald was master, who is a tenant in an island called Hesker, belonging to Sir Alexander Macdonald, who told me he had been at Scoto's house, and seen my Lord Lovat's cousin, formerly mentioned; he was ordered to take me home to his own isle, and keep me there till further orders. I told him I was stolen out of Edinburgh, and brought there by force, and that it was contrary to the laws what they were doing. He answered that he would not keep me or any other against their will, except Sir Alexander Macdonald were in the affair. How far Sir Alexander is concerned in this I am not certain; but the man being poor and greedy of money, made him go beyond his own light. We lay long on the loch for want of wind, and young Scoto's son and his father's brother came into the sloop the time that the sloop lay in the loch. They came with design to see me, but not to relieve me. We came not out of the loch till the 19th day of the month, and then . . . Macdonald, another son of Scoto's, came into the sloop, and had a long conversation with Alexander Macdonald. We were stormstay'd by the way, and we were in hazard of being lost before we came to Hesker, which was a poor miserable island. Upon the 30th day of the month we came there. That day we came out of the loch there came in a son of Dornick's, called John Macleod, and William Toling, who lives on Macleod's ground, who before was merchant at Inverness, and Rory Macdonald, brother to Castletown, and they all understanding the language, I told them all my misfortunes; and William Toling said he was at Edinburgh the time I was stolen, and promised me he would tell Renkiller where I was to be taken. I was in

* Macdonald of Scothouse.

† Probably Lochbourn.

the island Hesker ten months before I got bread, and suffered much cold and hunger, and many hardships and barbarous usage. I was in that strait almost I wanted stockings, shoes, and many other necessarys. And Macdonald said he had no orders to give me any meat but what they eated themselves; but had no orders for cloaths. After I was near a year in his custody, he said he would go and tell them from whom he got me, that he thought it was a sin to keep me, and that he would let me away, and that he had writ twice or thrice about what necessarys I wanted, but got no answer. When he came back, he said he had seen Sir Alexander Macdonald, and said to him it was a sin and shame to keep me, for that he would keep me no longer. Sir Alexander said he was sorry that he had meddled in such an affair, and did not know how to get out of it, but discharged him to let me go till farther orders. Alexander said he was bidden treat me harshly, and do nothing but what was his pleasure, and to cross me in every thing. Though he got me bread, yet I was much more hardly dealt with than he had done the first year, and I thought it hard enough. When he was in Sky, at Sir Alexander's, he told me he saw Alexander Mackenzie of Delvin's two brothers. I well remember they are called Kenneth and John Mackenzies, and he pretended he told them he had me in his custody, for he made it not a secret. I often begged him to allow me to write to my friends the time I was with him, and that then I would be relieved, for he said he was discharged to let me write, or tell me the place of the world I was in. I was many months there before I knew whose ground I was on. I often begged him to tell the minister, who was one Mr. John Maclean, and the name of his parish is the Weist, which is in the middle of the Long Island, and bordered with Clauranald's ground. I desired him to come and see me, and pray for the distress of my family. Mr. Macdonald told me he answered it was his duty to pray for every body in distress; but if he could not come and see me, he had but an eight mile ferry to cross. But whether Alexander told him I was there, cannot

be positive or sure. In May 1734, Sir Alexander Macdonald came to the Weist, to set his land, and sent word to Alexander I was to be taken away from him very soon, and that he would allow no more board for me, therefore he should let me go with the first that came for me. It was but a small island, none in it but cottars, and his servants. Upon the 14th day of June there came a sloop to the Hesker, with John Macleod, tenant to the Laird of Macleod, in a place which they call North Town, in the parish of Harrioch, and brought a letter to Alexander. He showed me the letter to give up the cargo that was in his hands. The day before he got the letter, he had been at the Captain of Clanranald's house, and had met with my Lord Lovat's cousin there, the Captain being married to his sister. John Macleod and his man were very rude to me, and hurt me very sore in the taking me away. Alexander Macdonald told me he knew not where I was going to, and John Macleod said he was taking me to the Orkney Islands. The galley belonged to himself, but his brother Norman Macleod was manager of it. He was in such terror that it should be known that I was in his custody, that he now all his men. When I came to the island, I found it as I heard of it, a very desolate island, but nobody in it but natives of the place. John and his brother stayed a few days in the place, and by no means would confess from whom he got me, but I found out; what hand the Laird of Macleod had in it, I am not sure. He left me in a very miserable condition, but had no provision for me but what the island afforded, and nobody to wait of me that understood me, but one ill-natured man who understood a little English, and explained to others what I wanted; and he was not only ill-natured, but half-witted, and one day drew out his dirk to kill me. After being sometime in this island, God in his good providence, who in all my distress has taken care of me, for which I have great reason to bless and praise him, where I found God much present with me for as desolate it is, comforting me, and supporting me in my long

and heavy trial, a minister and his wife came to the island, to whom I am exceeding much obliged; and if it had not been for the care that he and she took, I had died for want of meat, for there were no provisions sent me but two pecks of flour, and what the place can afford, such as milk and a little barley knocked, and that forced from them by threatenings, for the people is very poor and much oppressed. I have nobody to serve me but a little Highland girl;* and the minister and his wife must explain to her. He is a serious and devout man, and very painfull, and what time he can spare from his business he is so good as to come to see me. I am not sure whose hands this may come to, but if I be dead, I beg my friends may be kind to reward this minister and his wife, for he hath helped to preserve my life, and made it comfortable the time I lived. John Macleod abovenamed is tenant of this island. † I got the minister persuaded to write the account of the way I was stolen, and by whom, that he might acquaint my friends. He would not give me a pen to write any of them, but said he would do all for me that was in his power. When he went from this island, he resolved to go to Edinburgh, but he would not venture to carry this paper with him. But I gave him a bill on you and two others of my friends, that they might know where I was; but his life being threatened he left this island, and he was after hindered either to go to Edinburgh, or to write to any body about me. Since he came back to this island, he sent me word by his wife that he had burnt the bills I had given him: he is in such fear of his life and his uncle's. Some other of the ministers were angry at him for the care and the concern he had taken of me. He bade his wife get this paper from me that he might destroy it, that it might never come to light as written by him.

* This person is yet alive in North Uist, and is upwards of 90 years of age. She was seen by Mr. Campbell, author of *Albyn's Anthology*, who lately travelled into the remote parts of Scotland in search of ancient music. [Nov. 1817.]

† Her own hand begins at "I got."

Since I could not get paper to write so full an account as this, I thought it no sin to deceive her, and I burnt two papers before her, and bade her tell the minister now to be easy. I am not sure who of my kin and friends is dead, or who is alive; but I beg whosoever hands this comes first to, to cause write it over in a fair hand, and to shew it to all my friends."

The following notices are written at the end of the narrative:—

" Grant had his felows.

" Scoto's wife, aunt to Roderick Macleod, his father's sister.

" There sprang a leak in the sloop; we were in great danger.

" One of Lord Lovat's lyes which he said to John Macleod the young man of Dynwick, that I was going to kill my husband—you know that a lye.

" Sir Alexander Macdonald, at any time he wrote about me, the name he gave me was the Carop.

" I hear that Alexander Macdonald in the Hesker is dead. His wife is since married Logan Macdonald her tenant to Clanranald. She knows it was Lord Lovat and Roderick Macleod that stole me.

" The Minister's dauir saw me taken out of Mrs. Margaret Maclean's house by Roderick Macleod—and he told Lady Macleod he said."

This Roderick Macleod was Macleod of Muiravonside, who, it was well known, acted the principal part in the barbarous scene described by the sufferer.

From the above curious document, it appears that Lady Grange was at St. Kilda nine years after she was taken from Edinburgh. When the author of the notice which precedes the narrative was at St. Kilda, in the year 1800, he was informed by an old man, who remembered having seen Lady Grange, that she had been seven or eight years on that island. On making enquiry respecting what happened afterwards to this ill-fated

woman, he was informed by a gentleman in Skye, that, in consequence of a dread of discovery, she had been removed to Assint, (the western district of Sutherland,) and from thence to Skye, where she died.*

VI.

ELEGY ON THE NEVER ENOUGH TO BE LAMENTED DEATH OF THE RIGHT
HONOURABLE LORD JOHN HAY, MARQUIS OF TWEDDEL, WHO DEPART-
ED THIS LIFE THE 21ST MAY 1713.†

OH ! cruel Death, most quick and most sever,
By taking off so great and high a Peer,
Thy stroks are certain, and not one thou'lt miss,
Even these that shal posses eternal bless,
Must subject be unto thy fatal dart,
And dost not spare the most heroick heart ;
Thou darest Kings, and Princes tho' they be,
Must all be subject unto thy decree :
And our great Peer, he must among the rest,
Submit unto thy fatal call at last.
Thou dost surprise the stoutest of them all,
But death to him was no surprise at all.

* At a sale of the books of Mr. Kincaid Tate, writer in Edinburgh, there were several MS. papers relative to Lady Grange: these were perhaps the MSS. afterwards sold by Mr. Blackwood to Lord Marr.

† The "SCOTS COURANT" contains the following notice as to his Lordship's demise:—
"Edinburgh, May 22.—I hear that on the 20th instant, the Right Hon. John Marques of
"Tweeddale died of a fall at his country house at Yester; he is much lamented, and is suc-
"ceeded in honours and estate by Charles Lord Yester, his eldest son." In the next num-
ber of the paper, the alleged cause of death is contradicted, and it is asserted he "died of
"an apoplectick fit."

But his great temperance and charitie,
Was matches in hie qualitie.
The poor and needy he did still supply,
And rais'd the servants of his family.
Which noble actions and heroick deeds,
Will lasting be in them who him succeeds.
His conduct and his valour was not small,
Whose good proceder is wel known to all.
The church also, likewise herself must own,
That she hath lost a pillar of renown ;
For he was always for the church's good,
Stil eying how he right might serve his God.
But, Oh ! his country now may say that they
Have lost a noble and great Peer to-day ;
But now he's gone to his desired glor,
Where he shall rign and never sigh no more,
And where his soul its long desiring had,
For to be ever praising of his God.*

* From the original broadside with black borders, in the possession of C. K. Sharpe, Esq.