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THE SCOTTISH HISTORY SOCIETY  
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1878

THE  
SCOTTS  
OF  
BUCCLEUCH

*v. 1, pt. 2*  
By

WILLIAM FRASER

IN TWO VOLUMES.

VOL. I.

EDINBURGH 1878.

122662



For carieing the tun of vine and pype of seek out of the seller to the bark, . . . . .	£2 0 0
Drink money to my Lord Balclewgh's men that brocht the two fallo deir, . . . . .	13 6 8
In drink money to my Lord Newtoun's man that brocht the dusson old capones, and the 58 pair dowses, with the thrie turkie foules, . . . . .	1 10 0
To my Lord Annandail's man that brocht the fatt wyld calve, . . . . .	2 5 0
For 3 dusson of speirs for running at the glove, . . . . .	24 0 0
For William Broune's fraught over to Dundie when he went to seek wyld foules, . . . . .	0 6 0
To a post to carry a letter fra Dundie to Glames to George Ramsay to fetch the wyld foules, . . . . .	0 18 0
William Broune's fraught when he went over with the Earle of Crawford's silver plate that was at the brydell, . . . . .	1 4 0
Gevin for paying aff of the hail servands—fidlers, pypers, and others—that was at the mariage, and that by and attoure the drink money becaus there was too little thereof, . . . . .	375 14 0
Payd a particular compt of debursements debursit be Thomas Oliphant, . . . . .	66 6 8
Payd David Jamiesone a compt for wark at the brydell, . . . . .	12 1 4
Payd Hew Baillie a compt of debursements when he brocht over the sweetmeats, . . . . .	10 12 0
To William Williamsone to go to Edinburgh to fetch wyld foules, . . . . .	1 4 0
More to him to go to Edinburgh about more provision, . . . . .	1 4 0
More to him when he went to Edinburgh about turkie foules, . . . . .	2 18 0
Drink money to my Lord Annandaile's man quho brocht the first buck, . . . . .	5 6 8
Drink money to my Ladie Balcaras' man that brocht the thrie wedders, 3 lambs, etc., . . . . .	4 0 0
To the Earle of Marr's servant that brocht the buck and the whyte calve in drink money, . . . . .	5 12 0
To William Williamsone for fraught horss hyres, and others who brocht over the tuelf turkie foules, and the wyld foules, and the peares and plummes, . . . . .	5 12 0



More to my Lord Annandaile's man in drink money for another buck, £8 15 0  
 For a horsse hyre that brocht the Solan geis, and some cunyings,  
 out of Edinburgh to Leslie when my Lord Buckcleuth came first, 0 16 0<sup>1</sup>

Francis, Earl of Buccleuch, was at a very early age initiated into the administration of public affairs. At the age of fourteen he took his place among the nobles in the famous Parliament held at Edinburgh, which, with several adjournments, continued from May 1639 until November 1641. His name appears in the sederunt of 15th July 1641; in that of 17th August following, at which King Charles the First was present; and also on 17th November, the concluding day of the Parliament.<sup>2</sup> From that time onwards he actively participated both in civil and military affairs during the great struggle between the King and the Parliament. When scarcely seventeen years of age he was appointed, on 26th August 1643, colonel of foot within the sheriffdoms of Roxburgh and Selkirk, and his lands in Dumfriesshire. He was also a member of the Committee of Estates, commissioned by the Parliament to organise the forces of the country and superintend the national defences, when they had decided once more to send an army into England. The Earl was also appointed, on 27th July 1647, to the office of Sheriff-principal of Selkirkshire, by grant of King Charles the First.<sup>3</sup>

The inclination of the Earl of Buccleuch to join the party of the Covenanters was suspected at an early date by King Charles the First, who, on 21st March 1639, when the Earl was only twelve years of age, wrote to his tutors as follows:—

CHARLES R.—Trustie and vilbeloued wee greit you vell. Haueing hard that the Earle of Bücleugh had been induced to adhere to the cowrses of the Covenanters, which much displeasid vs, ve ar nou vill satisfied to knou the contrarrie by our

<sup>1</sup> Account at Leslie House.

<sup>2</sup> Acts of Parliament, vol. v. pp. 308, 330.

<sup>3</sup> Besides his many public duties, the Earl interested himself in the sports of his time. In February 1643 he bought from Pringle of Stitchell a "chasten cullourit horse calit Datie," for which he paid the sum of £876

Scots. A few weeks afterwards an entry appears in the Chamberlain's Cash-book of 40 Double Angels (800 merks), "given to my lord himself when he went to Couper Race." The chestnut horse was probably intended to take part in one of the races then not uncommon among the Scots nobles.



seruant, Sr James Scott, whom vee trust, therefor vee vill you to giue him herty thanks in our name, and assur him from vs that vee vill be verry mindfull of his dutiefull carrage. In the meane tyme, it being requisite for the gud of our service in these troublesome tymes that you sould retire him to the parts vhere his estet and frindship do cheefly ly: It is our pleasure that you bring him to some of his houses in thos parts, vhereupone our further pleasure to be signified unto him by our tresseurrer or priue siele, he may be the mor ready and able to performe thesse things vchich tend to the good of our seruice, his oun standing, and . . . our favor, vee bid you farevill. From our Court at Vhithall, the 21 of March 1639.

To our trusty and wellbeloued friends the tutors to our trust cusing, the Erle of Bucluchge.<sup>1</sup>

The Convention of Estates having been divided into separate bodies, so that one portion might administer internal affairs, while the other marched with the army, the Earl of Buccleuch formed one of the committee which acted with and controlled the movements of the army advancing into England.<sup>2</sup> The Earl would therefore be present when Newcastle was stormed and taken by the Scots army under General Leslie. His own regiment did good service during the siege and assault, and is noticed in a contemporary account of the attack on the town and fortifications:—  
 “We had been so long expecting that these men within the town should have pitied themselves; all our batteries were ready; so many of our mines as they had not found out and drowned were in danger of their hourly finding out; the winter was drawing on, and our soldiers were earnest to have some end of the business, which made the General, after so many slightings, to begin this morning to make breaches, whereof we had three, and four mines. The breaches were made reasonably low before three of the clock at night. All our mines played very well. They within the town continued still obstinate. My Lord Chancellor’s regiment and Buccleugh’s entered at a breach at Close Gate.”<sup>3</sup>

<sup>1</sup> Mr. John Lamont’s Diary, p. 216.

<sup>2</sup> Acts of Parliament, vol. vi. part i. p. 213.

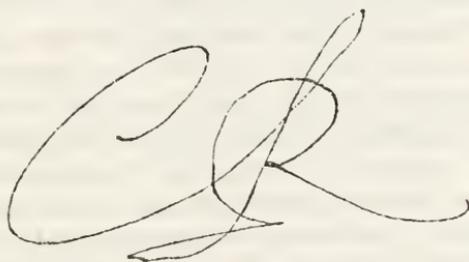
<sup>3</sup> “A letter from Newcastle, etc., contain-

ing a relation of the taking of Newcastle by storm, dated the 19th October 1644.”—Newcastle Reprints.



The collection of all the particular Papers & passages  
between me & the English Rebels, in the two last Treatys

I labour for Peace, but when I speak to them thereof,  
they make them ready to Battle.





Previous to the expedition into England, it appears that new colours were made for the Earl's regiment. In a former part of this work reference has been made to the banner of the Buccleuch family, which is known as the Bellenden Banner, as probably being the one referred to which was carried in the funeral procession of Walter, first Earl of Buccleuch. But it is probable that the banner which is now preserved in the family was that which was made for the regiment of Earl Francis previous to his march into England in the beginning of the year 1644; and if so, the new banner had been led through "paths of blood" in the furious storming of Newcastle. In the Chamberlain Accounts for February 1644, a payment occurs "for taffetie to my Lord's cullouris."

The Bellenden banner was displayed at a more peaceful contest in the year 1815. At a great football match between the men of Yarrow and Selkirk, under the auspices of Charles, Duke of Buccleuch and Queensberry, the venerable relic was again unfurled before the chief of the Scotts. The banner was delivered by Lady Ann Scott to Master Walter Scott, younger of Abbotsford, who attended suitably mounted and armed, and riding over the field displayed it to the sound of the war pipes. Sir Walter Scott of Abbotsford, and James Hogg, the Ettrick Shepherd, were active participants in the sport, and made the occasion memorable by a poetical contest in celebration of the lifting of the banner. The verses by Sir Walter Scott were entitled

"THE LIFTING OF THE BANNER."

"FROM the brown crest of Newark, its summons extending,  
 Our signal is waving, in smoke and in flame,  
 And each forester blithe, from his mountain descending,  
 Bounds light o'er the heather to join in the game.

CHORUS.

Then up with the banner, let forest winds fan her,  
 She has blazed over Ettrick eight ages and more;  
 In sport we'll attend her, in battle defend her,  
 With heart and with hand, like our fathers before.



When the southern invader spread waste and disorder,  
 At the glance of her crescent he paused and withdrew.  
 For around it were marshalled the pride of the Border,  
 The flowers of the Forest, the bands of Buccleuch.  
 Then up with the banner, etc.

A stripling's weak hand to our revel has borne her,  
 No mail glove has clasped her, no spearmen surround  
 But ere a bold foeman should scathe or should scorn her,  
 A thousand true hearts would be cold on the ground.  
 Then up with the banner, etc.

We forget each contention of civil dissension,  
 And hail, like our brethren, Home, Douglas, and Car,  
 And Elliot and Pringle in pastime shall mingle,  
 As welcome in peace as their fathers in war.  
 Then up with the banner, etc.

Then strip, lads, and to it, though sharp be the weather,  
 And if, by mischance, you should happen to fall,  
 There are worse things in life than a tumble on heather.  
 And life is itself but a game at football.  
 Then up with the banner, etc.

And when it is over we'll drink a blithe measure  
 To each laird and each lady that witnessed our fun,  
 And to every blithe heart that took part in our pleasure,  
 To the lads that have lost and the lads that have won.  
 Then up with the banner, etc.

May the Forest still flourish, both borough and landward,  
 From the hall of the peer to the herd's ingle nook ;  
 And huzza, my brave hearts, for Buccleuch and his standard,  
 For the King and the country, the clan and the Duke.  
 Then up with the banner, etc.

Quoth the Sheriff of the Forest."



The ode by the Ettrick Shepherd is inscribed—

“ TO THE ANCIENT BANNER OF THE HOUSE OF BUCCLEUCH.”

“ AND hast thou here, like hermit grey,  
 Thy mystic characters unrolled,  
 O'er peaceful revellers to play,  
 Thou emblem of the days of old ;  
 Or comest thou with the veteran's smile,  
 Who deems his day of conquest fled,  
 Yet loves to view the bloodless toil  
 Of sons, whose sires he often led ?

Not such thy peaceable intent,  
 When over border waste and wood  
 On foray and achievement bent,  
 Like eagle on the path of blood.  
 Symbol to ancient valour dear,  
 Much has been dared and done for thee,  
 I almost weep to see thee here,  
 And deem thee raised in mockery.

But no ! familiar to the brave,  
 'Twas thine, thy gleaming moon and star,  
 Above their manly sports to wave,  
 As free as in the field of war.  
 To thee the faithful clansman's shout,  
 In revel as in rage, was dear,  
 The more beloved in festal rout,  
 The better fenced when foes were near.

I love thee for the olden day,  
 The iron age of hardihood,  
 The rather that thou leddest the way,  
 To peace and joy, through paths of blood,



For were it not the deids of weir  
 When thou wert foremost in the fray,  
 We had not been assembled here,  
 Rejoicing in a father's sway.

And even the days ourselves have known,  
 Alike the moral truth impress—  
 Valour and constancy alone  
 Can purchase peace and happiness.  
 Then, hail! memorial of the brave,  
 The liegeman's pride, the Border's awe,  
 May thy grey pennon never wave  
 On sterner field than Carterhaugh,  
 Quoth the Ettrick Shepherd."

Altrive Lake, 1st December 1815.

While the Earl of Buccleuch was present with the Scots army in England, the protection of his extensive estates in Scotland was not neglected. A considerable quantity of arms and ammunition had been stored in Newark Castle, in the Forest, at the commencement of the troubles; and at a later period, during the absence of the Scots army in 1644, a large additional supply was obtained from the public magazines, for which a bond was granted by the Earl's representative for £3736, 13s. 4d. Scots, afterwards paid to the Government by his Lordship's direction. This addition to the stores was for the purpose of arming the tenants and vassals of Buccleuch in order to repel the invasion of Montrose, who attempted a diversion in favour of the royal cause, by invading and harassing the south Border, thinking thereby to effect the withdrawal of part of General Leslie's forces from England. The vassals and tenants of the Earl of Buccleuch were called out to resist Montrose by Sir William Scott of Harden and Sir Thomas Kerr of Cavers. An Act of Approbation was passed by the Estates on 11th June 1644, declaring that Sir William Scott and Sir Thomas Kerr had in all fidelity carefully and diligently carried themselves in convening the vassals



and tenants of the Earl of Buccleuch, with other gentlemen of the county, in order to repel the invasion of Montrose. The Estates declare their whole actions and proceedings in that business as done for the honour of the country and of the good cause, and that they had deserved well of the public, and carried themselves as loyal subjects to the King, faithful servants to the Estates, and true patriots to the country.<sup>1</sup>

In 1643, the Committee of Estates, under their pecuniary necessities, applied to Francis, Earl of Buccleuch, for the loan of 9000 merks for the public service. This sum he granted. His order to Patrick Scot, writer in Edinburgh, to advance it out of the first and readiest of his rents to Sir Adam Hepburn of Humbie, knight, their collector-general, is dated 31st August 1643. He received from the Committee of Estates an obligation of the same date, acknowledging that he had paid 9000 merks to Sir Adam Hepburn of Humbie, in name of the public, and for the present necessary affairs and expedition thereof, and declaring that this sum should remain as a public debt upon the country, and binding them, in name of the Estates and the whole kingdom, to cause it to be repaid with a quarter's annualrent, before the 1st December following, to the Earl, his heirs and executors, with the annualrent thereafter during the nonpayment; and declaring that this payment should be out of the first and readiest of the sums of money which should be collected and received by the collector-general of the taxation lately granted for payment of the foot companies, or horse troops, or out of the remainder of the loan money, over and above what was already disposed upon, or out of any other money which should come from England for the use of the public.<sup>2</sup>

At a later period the Earl contributed towards the repayment of part of the large sums of money advanced for public use by Sir William Dick of Braid, a wealthy merchant of Edinburgh. A bond for 200,000 merks was subscribed by various barons and burgesses, Buccleuch's proportion being

<sup>1</sup> Acts of Parliament, vol. vi. part i. p. 101.

<sup>2</sup> Vol. ii. of this work, pp. 280, 281.



4000 merks, which was paid by him on 7th August 1646.<sup>1</sup> The Parliament of 1647 passed an Act for the satisfaction and relief of those who had paid their proportion of this bond, out of the money payable by the English Parliament to the Estates, but it does not appear that the 4000 merks advanced by the Earl were ever repaid.

Although the Earl was embarked in the cause of the Covenanters, he resisted demands which were made upon him to furnish more men and troopers than he was fairly bound to do. In the year 1644, the Lieutenant-General of the Parliamentary forces issued orders that the Earl of Buccleuch's men on his lands in the shire of Dumfries, to the number of 110, well furnished with arms, should serve as foot soldiers under the governor of the town of Dumfries, with a trooper well furnished, and a baggage-horse for every ten footmen. But a committee of the Estates of Parliament had appointed that the men to be levied within the Buccleuch lands in the shire of Dumfries should be under the command of the Master of Craunstoun, as the former levy had been under his own command, and consequently separate for these expeditions from the shire of Dumfries. The Buccleuch men were thus molested both by the Master of Craunstoun and the Governor of Dumfries, who threatened that if Buccleuch did not answer their demands his lands should be plundered, and troops of horse put upon him to compel him thereto.

The Earl of Buccleuch gave in a complaint to the Estates of Parliament, dated 29th June 1644. He represented that he had hitherto been ever most willing to prosecute the good cause in hand at the hazard of life and estate, and for that object he had adventured himself and done everything incumbent upon him. It was not unknown to their Lordships what danger his bounds had been in, and how ready all his friends, vassals, and tenants had been to encounter the invasions made upon the Borders by the English and their disaffected countrymen. He complained that the charge put upon him was greatly disproportioned to the number of his men, the amount of his rent in these

<sup>1</sup> Chamberlain Accounts, Buccleuch Charter-room.



bounds, and their Lordships' orders, which fixed the number of men he ought to provide in proportion to the male population of the several parishes, and which would amount only at the most to sixty men, or thereby, as would appear from the several rolls of all the men within the parishes, subscribed by the several ministers thereof. He further asserted that he was not bound, as the Governor of Dumfries wrongously craved, to provide a trooper and a baggage horse for every ten footmen, inasmuch as the number of troopers and baggage horses ought to be proportioned to the valued rent of the places from which they were appointed to be levied, and not to the number of men residing there. He could thus make it appear that the number demanded was very exorbitant, and not proportioned to his rent in those places, and the orders issued. He therefore besought their Lordships to discharge both the Master of Cranstoun and the Governor of Dumfries to trouble him, his friends, vassals, and tenants any more with their exorbitant demands, and to command one of them to accept from him, as their Lordships should appoint, the number of sixty men, after trial and production of the rolls, with such a number of troopers and baggage horses as corresponded to the valued rents of the bounds, according to the public orders issued and observed through the whole kingdom.<sup>1</sup>

It was found by the committee that the Earl's complaint was well founded. The committee appointed for the levies found that the foot and horse ought to go along with the others of the shire, and would therefore belong to the Master of Cranstoun and not to the Governor of Dumfries. They also found that the Earl of Buccleuch should provide only the half of the men and horse which had been demanded in the first expedition, and that the number of the troop horses should be proportioned to the rents and the number required within the shire. The Committee discharged all commanders and officers from exacting any further.<sup>2</sup> Orders, dated at Jedburgh, 5th July 1644, were given by the committee of war for the shire of Roxburgh to Walter Scott of Braidhauch, bailie to the Earl of Buccleuch, of the four kirks of Eskdale, Ewisdale, and the Debateable Land belonging to

<sup>1</sup> Vol. ii. of this work, p. 281.

<sup>2</sup> *Ibid.* pp. 281-283.



the Earl, between the date of that order and Friday, the 12th of the month, to convey the soldiers levied from these parishes to Crailing, to the Master of Cranstoun, their appointed colonel, each bringing with him twenty days' provision.

At a later period of the Civil War, the Committee of Estates decided to equip an army on purpose to invade England and rescue the King from his captivity. This expedition, known as "The Engagement," was intended to form a nucleus round which the scattered remnants of the King's friends, and the more moderate of the Parliamentary party in England, might unite. It was opposed by a strong minority, who objected to any intercommuning with "malignants." A considerable army was raised, which invaded England, under the command of James, Duke of Hamilton, and Lieutenant-Generals Middleton and Baillie. The scheme did not meet with the support in England which had been expected, and the army, being attacked at Preston by the Parliamentary forces under Cromwell, was totally routed.

During the absence of the expedition of the "Engagers," the minority of the Estates, headed by the Marquis of Argyll, strained every effort to raise an army, and General Leslie having combined the levies into a compact force, the scattered remnants of Hamilton's returning army were easily mastered. The Earl of Buccleuch was among the first who, with his friends and followers, appeared in arms against the broken forces who returned from England.<sup>1</sup> Bishop Guthrie records that on 12th September 1648 the western army followed westward [from Stirling], and at night reached Falkirk; and with them David Leslie, Colonel Kerr, Hepburn, and other soldiers of fortune that now had joined them, besides additional helps they had from divers of the gentry of Fife, and many more from the south, especially from the Earl of Buccleuch and his friends of the name of Scot.<sup>2</sup>

Whilst the Earl was quartered at Falkirk he wrote the following letter to his Countess, which throws some light on the negotiations which were then in dependence :—

<sup>1</sup> Vol. ii. of this work, p. 306.

<sup>2</sup> Guthrie's Memoirs, p. 291.



young morning and evening

For what-Linn's condoleme now as to you fall be assured  
that I will always be in the same way never be otherwise

My dearest least

your most affectionate

Brother

Jackson Linn  
1820



My dearest heart

It is unexpressible joy to my heart to hear that you are  
well for nothing troubles me so much as that I should be  
so long from you since yr sweet company is the greatest  
you I may justly say the only contentment I have on  
Earth: you need not doubt but when I have occasion I will  
not let any just without suffering my selfe so much  
as to let you know how desirous I am and how much I  
long to see you w<sup>ch</sup> I trust in God shall be shortly see  
and the other party agree w<sup>th</sup> the Lord of his infinite  
goodnes and mercy grant: for as I wrote to you yesterday  
there was a treaty agreed bett it was very hard in the  
evening before this dayes committment was  
sent whose names are the Earle of Arundel, Warrenton &  
John Chesly Mr Robert Barreton they are not comed  
back yett this morning but what perfect satisfaction I feel  
let you know by the next occasion only this much I feel  
say that if there were not too rigid people amongst  
us how I believe we would soon agree: My dearest heart  
if you would have me to have it care of my selfe let me  
bring trouble you and have it care of your own health  
for what our conditions you are into you shall be assured  
that I will always be in the same w<sup>ch</sup> shall never be otherwise

My dearest heart

yr most affectionate

Bacche

Salisbury  
1577



"MY DEIREST HEART,—It is unexpressible joy to my heart to hear that you are weill, for nothing troubles me so much as that I sould be so long from you, since your sweet company is the greatest, yee, I may justly say, the only contentment I have one earth. You neid nott doubt bott when I haue occasione I will nott lett any pass without satisfiing my selfe so much as to lett yow know how desyrous I am, and how much I long to bee with yow, which I trust in God sall bee shortly, if wee and the othir party agrie, which the Lord of his infinit goodnes and mercy grant; for as I wrott to yow yesterday, ther was a treaty appoynted, bott it was very lait in the evening before they that ar commissioners from us went, whose namis are the Earle of Cassilis, Waristoun, Sir John Cheisly, M<sup>r</sup> Robert Barclay. They ar nott comed back yett this morning, bott what passes, God willing, I sall lett yow know by the nixt occasione; only this much I sall say, that if ther wer not too rigide peiple amongst us heir, I beleive wee wold soone agrie. My deirest heart, if yee wold haue me to haue a cair of my selfe, lett no thing trouble yow; and haue a care of your owne health, for what ever conditione yow ar into yee sall be assured that I will always bee in the same, who sall neuer bee other then,

My deirest heart,

Your most affectionatt,

BUCCLEUCHE.

"Falkirk, September 15, 1648."<sup>1</sup>

Francis, Earl of Buccleuch, acted with the party who were opposed to the proceedings of the Duke of Hamilton, and was present at the meeting of Parliament held at Edinburgh on 4th January 1649, which disclaimed and repealed all Acts of the late "unlawfull engadgement." This Parliament instructed their commissioners at London to protest against any sentence for taking the life of the King, declaring the Estates and kingdom of Scotland free from any such act, and all the calamities and miseries that might follow therefrom to both kingdoms.

Immediately after the receipt of the news of the fate of King Charles the First, the Parliament at Edinburgh, on 5th February 1649, ordained the

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



proclamation of King Charles the Second. The records of the various Parliaments held at Edinburgh, Perth, and Stirling, show the assiduous attention of the Earl to his Parliamentary duties. Besides being a member of the Committee of Estates, he acted on many of the committees for the administration of both civil and military affairs, assisting in the organisation of a new army after the defeat at Dunbar. The Earls of Buccleuch and Lothian were made colonels of the regiments raised in the sheriffdoms of Roxburgh, Selkirk, and Peebles. On the arrival of King Charles the Second in Scotland, in 1650, Buccleuch was appointed as a commissioner, with the Earl of Cassillis, and others, to congratulate his Majesty on his "happy arrivall" in the kingdom. He was present at the conclusion of the second Parliament of King Charles the Second, at Stirling, in July 1651, which preceded the march of the Scots army that ended in the conclusive defeat at Worcester.<sup>1</sup> The Earl did not on this occasion proceed with the army, but remained in Scotland as a member of the Committee of Estates, to administer internal affairs during its absence.

Cromwell having departed from Scotland in 1651 in pursuit of the Scottish army, General Monck was left in command of a considerable force, for the purpose of completing the reduction of the country, which was now a comparatively easy matter since the departure of the Scottish troops. The town of Dundee then became a place of refuge for the fugitives, who fled there from various parts of the country with their money and valuables. The duties of the Earl demanded his presence in Forfarshire, as he had been appointed by the Estates one of the judges of the efficiency of the troops in that shire, when the new levies were raised north of the Forth after the battle of Dunbar.<sup>2</sup> His Countess accompanied him and was among the number of those who sought safety in Dundee. It was in that town that Anna, their youngest daughter, afterwards Duchess of Buccleuch and Monmouth, was born. Immediately before the siege of Dundee by Monck in August 1651, the Earl and Countess proceeded to Aberdeen. By his absence at that time

<sup>1</sup> Acts of Parliament, vol. vi. part II. p. 685.

<sup>2</sup> *Ibid.* p. 625.



For

The Right Honourable

The Earl of

Weimar

A. Heff  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~











he escaped the fate of a number of his colleagues of the Committee of Estates, who were surprised at Elliot and taken prisoners by a party of horse detached by Monck from the siege of Dundee. Among the number were the Earls of Leven, Crawford, Marischal, and other noblemen and gentlemen. Several of the clergy were also seized on that occasion, including Robert Douglas and James Sharp, afterwards Archbishop of St. Andrews. A small remnant of the party, under the name of the "Committee of Estates," continued to make unavailing efforts to rally together their friends. Buccleuch was one of those who, from Aberdeen, sent out letters for that purpose.

Much surprise has been felt that the fine imposed by Cromwell on the successor of Earl Francis was so much in excess of the sums levied from others of his party. The Countess Mary, who succeeded him, was fined £15,000 sterling, which was £5000 more than was demanded from any of the others fined. A perusal of one of the letters sent out from Aberdeen on the occasion above mentioned, which has lately been discovered, will sufficiently explain the exasperation of Cromwell and his party, who are there characterised as "a handfull of bloody traytors." The name of Buccleuch stands first on the list of signatures to this document. The letter here given was sent by the Committee of Estates at Aberdeen to David, second Earl of Wemyss.

Aberdeen, 30 August 1651.

RIGHT HONOURABIL, — Wee being mett heire vpon occasione off the late disaster at Eliot, quher many of the memberis of the Comittie of Estaitis and Commissioneris of the Generall Assembly were surprysed and takin prisoneris by the enemye, vpon Thursday last; and considering the sad conditione the kingdome is now brought into, wee haue fund ourselfes obleidged in duety to giue your Lordship notice thairoff, and to desyre yow, as yow wisch religioune to bee preserued, or this kingdome to be kepted from being totallie ouerrune be a handfull of bloodie traitoris, yow will furthwith, vpon sight heireof, repaire to Strathbogie, or any vther place quher the comittie sall happen to be for the tyme, that, according to the trust committed to yow and ws be the King and Parliament, for gouernement



of the effairis of the kingdome, wee may joyne for the preseruatiōne of this kingdome, and of all that is deire or neire to ws, in this day off trouble.

Wee rest your Lordship's assured freindis,

BUCCLEUCHE.

CALANDER.

S<sup>r</sup> R. INNES.

S<sup>r</sup> T. NICOLSON.

S. A. G. DURIE.

J. ARNOTT of Ferny.

A. BELSCHES.

RO. FARQUHAR.

S. JA. MURRAY.

J. SMYTH.

GEO<sup>s</sup> JAMESON.

For the Right Honorable The Earle of Weimes—These.<sup>1</sup>

Further examination, however, afterwards disclosed the fact that the Earl of Buccleuch was not so responsible for the contents of these letters as at first appeared. He had signed them all in blank. The circumstances are fully described in a letter from Sir James Murray, one of the signatories who was present, to Sir William Scott of Harden.

WORTHIE SIR,—For ansyvre to your letter whairin yow desyre me to call my self to remembrance iff the laitt Earle Bucleuch dide subscribe any letters att Aberdein fra the committie to any persone. For ansyvre—The said Earle and his Ladie in August came to Aberdein, and thair abood untill efter he hard thes noblmen and uthers wer taken att Elliott, who immediatlie efter hearing thereof resolved to retire to Balvenie House, belonging to his brother-in-law, the Earle of Rothes, quhilk accordingle he did with such suddain resolution that iff I hade knowne therof bott some few hours befor I had gane alongst with his Lordship. For itt wes upon the Saterdag efter the taking of thes noblemen att Elliott, being in the end of August or beginning of September, thatt many did resort to Aberdein and keiped committie, wher desyring the said Earle to come, I being then with his Lordship and Ladie in thair lodging, he excused himself because of his sending some servants befor him, and his necessitie to follow, and this wes about thrie efter noon. Wherupon again thes of the committie did send Sir Archibald Primrose to gett his hand to letters that wer to be sent. His Lordship wes then soe resolvett on his journey thatt he told to Sir Archibald he could not stay, bot wold subscriye the blank paper, and trust to him as a man of honnor and

<sup>1</sup> Original Letter in Buccleuch Charter-room.



fidclitie to mak bott use of his name in thes letters as he wold deserve his trust. To all this I wes a witness, and thereafter went and convoyed my Lord and Ladie to thair horse, and is all I can remember his Lordship did in relation to the publik. And is all I can wrytt or say for the present, bott that I ame

SIR,

Your reddie servant,

JA<sup>s</sup> MURRAY.

Edinbrugh, 23 October 1654.

To his worthy and much respected freind, Sir W<sup>m</sup> Scott, elder of Harden—Thes.<sup>1</sup>

This statement of Sir James Murray is corroborated by Sir Archibald Primrose, in a letter written by him at the instance of the tutors of the Countess of Buccleuch, to further the proceedings for reduction of the fine.

Edinburgh, 4 Apryl 1654.

SIR,—By your lettre of the 1 of this moneth, yow desyre to know what I remember concerning the Earl of Buccleuch's cariage at a meiting of the committee at Aberden in the end of Agust 1651, and that his Lordship had declard in his own lyftime, that being accidentallie in Aberden at that tyme, and called to the meiting after a short stay, he desyrd to be gone, it being towards night, and his familie on ther removal to the countrey. Bot being vrged to stay vpon the signeing of some dispatches which were not then in reddiness, he wes necessitat (to haue libertie to go) to signe some blank papers, which he left to be filled vp and signd be the rest of the comittee.

Sir, I doe verie weele remember of the meiting and occasion of it, and that ther were some papers signed by my Lord blanke at his removall, which were thereafter, that same night, filld vp and signd be the rest of the comittee. This is the returne of that yow sent to,

SIR,

Your affectionat freind to serue yow,

A. PRIMEROSE.

To his honord and worthie freind, Patrick Scot of Langshaw.<sup>2</sup>

These letters from Sir James Murray and Sir Archibald Primrose, exonerating the Earl of Buccleuch from responsibility for the contents of the

<sup>1</sup> Original Letter in Buccleuch Charter-room.

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



papers signed by him under the peculiar circumstances above described, were of great service in procuring the reduction of the fine levied on the Earl's successor, the amount being reduced from £15,000 to £7000, and subsequently to £6000.

The incident above narrated shows that the Earl was one of the last to give up the cause, to which he proved a staunch and consistent adherent, even when it appeared hopeless, and which he actively served until within a few months of his death.

The proceedings taken to procure the mitigation of the fine produced a number of attestations, some of them from political opponents, which are interesting as throwing some light on the conduct of the young Earl of Buccleuch, and the high estimation in which he was held by his contemporaries. One of these documents, subscribed by Lord Burghly, Sir James Hope, Murray of Blackbarony, and others, states that "the Earl of Buccleuch, ever since his coming forth to public view in the world until his death, which was in the twenty-fifth year of his age, was always looked upon as a grave and pious young nobleman, who, as he studied the advancement of the power of godliness among those he had interest in, countenancing and encouraging all such, and was very instrumental in the public work undertaken for religion and liberty, so he was always an enemy to those courses which manifested anything in them of prejudice to those interests." The Earl of Lothian in a similar memorial, dated Newbattle, 25th September 1654, attests that "the late Earl of Buccleuch from his very youth, gave testimony of his love to religion, and that he was uprightly affected for the maintenance of it, and of the privileges and liberties of his country; and this appeared publicly in the Parliament held in this land in the year 1641, when he was hardly sixteen years of age, and as he grew up, so did his zeal and good carriage increase, which was of no mean effect for the affairs that were in hand in those times in this land, for being a man very eminent and powerful, his countenance and concurrence was very useful in the defence of the country and carrying on the assistances [which] were given to England.



whither he led a regiment of his friends and followers in the year 1643, and still continued constant and active in promoting the ends of the League and Covenant, and in opposing all that was opposite and cross to it in relation to England or in this land, and when the unlawful Engagement was in the year 1648, he was one of the first that rose in arms against the carriers on and prosecutors of it." Another of the memorials, subscribed by a number of names, attests that in the year 1643, "altho verie young, he prefered the publict good to his worldly interest, and to the standing of his awine familie, by hazarding his persone and undergoinge the toyll of war for the assistance of England, being ane colonell of a regiment, in which war his engadgeing wes verie exemplarie to otheris; and besyde his being in armes with his freindes and followeris in the year 1645 for the defence of this kingdome, when it wes overrunne by the Yrishe and unnaturall countriemen, and few or none appearing in behalf of the country againes these ennemies."<sup>1</sup>

After the defeat of the Scots army at Dunbar in 1650, the invading force of Cromwell took possession of the castles of Newark and Dalkeith. Precautions had been taken for the preservation of the muniments, plate, and the more valuable of the plenishings, which were conveyed to the fortress on the Bass Rock, where they remained in safety until the year 1652. An order was then procured from General Lambert for the removal of the Charter-chest and other property to Sheriffhall House, near Dalkeith, to which the Countess of Buccleuch had removed with her children.<sup>2</sup> Dalkeith Castle had been given up for the residence of the English Commissioners.

Hearing that, in the distracted state of the country, the farmers of the

<sup>1</sup> Vol. ii. of this work, pp. 302-306.

<sup>2</sup> 29th December 1651.—"Givine to Mr. Smallwood, Lambert's chaplane, for purchesing Lambert's order and pass for getting the Charter-kist, wryttis, and plenisching out of the Basse, 25 Double pieces" (500 merks Scots). 29th May 1652.—"To James Anderson, servitor to the laird of Waughtone, of drink-

silver to be distribut among the souldiers of the Basse for importing, keiping, and exporting of the Charter-kist to and froe and in the Basse, £720 Scots."—Buccleuch Chamberlain Accounts. An inventory of the plate and "household plenysching left unplundered by the Inglishes" will be found in vol. ii. of this work, pp. 289-292.



Lothians meant to delay the cultivation of their fields, the Earl wrote from Branxholme, a few weeks after the battle of Worcester, to his bailiff at Dalkeith, in order to induce his Dalkeith tenants to continue to work their lands as usual, promising to indemnify them for any losses they might sustain in consequence.

Robert Mitchelson (Bailiff of Dalkeith).

My wyffe shows mee that yee haue told her of the course the tenents off Lothiane mynd to take in setting [?letting] ther maister's lands lye. Yow sall therefor show my tenents in Dalkeith if they will labor my land still they sall find als much fauour off mee as any tenents in Lothiane sall gett from ther maister, so remitting this to your caire, I rest,

Your assured Freind,

BUCCLEUCHE.

Branxholme, Oct. 11th, 1651.<sup>1</sup>

The vigorous measures which had been taken by the first Lord Scott of Buccleuch and others, after the succession of King James the Sixth to the throne of England, to restrain the marauding habits of the Borderers, had produced comparative security to the peaceful inhabitants of Liddesdale and the neighbouring country. The depredations which occurred during the time of Walter, first Earl of Buccleuch, were confined to very narrow limits. Audacious thefts were, no doubt, occasionally committed, but they were insignificant when compared with the raids of former times. The more common complaints were of the character related in the previous memoir, consisting of the loss of "ane kow," or small quantities of household or farm property. The civil contentions during the reign of King Charles the First gave an opportunity for the dormant propensities of the Borderers to break forth again, and the resulting depredations soon assumed alarming proportions. Measures were of necessity taken to repress these marauders, but in consequence of the exigencies of the Civil War, these attempts were intermittent and ineffectual to control the moss-troopers of Liddesdale.

<sup>1</sup> Original Letter in Buccleuch Charter-room.



Francis, Earl of Buccleuch, was appointed, in 1645, justiciar over a very extensive district of this disturbed portion of the country. His commission gave him powers to appoint officers and hold courts of justice, at such times as he thought expedient, within the bounds of the lordship of Liddesdale, the parishes of Cassiltoun, Canonbie, called the Debateable Land; Stapelgorton, called Eskdaill; Over and Nether Ewes, called Ewesdaill; Wauchope, called Wauchopdale; Watskirker, called Eskdalemuir; Waltoun, and Askirk; the parish of Ettrick, except what belonged to Lord Yester; the parish of St. Mary's Kirk of the Lowes, called Yarrow Kirk, except the part belonging to the Earl of Traquair; the parish of Selkirk, except such as pertained to the Marquis of Douglas and the Earl of Roxburgh; the parish of Hassinden and Cavers, except what belonged to the Earl of Roxburgh, Lord Cranstoun, and the Sheriff of Teviotdale; and the parish of Hawick, not including the lands of the Earl of Queensberry and his vassals. In accordance with these powers, the Earl of Buccleuch caused proclamation to be made at the various market towns of the district within his jurisdiction, and held Courts at Selkirk and other towns for the dispensation of justice.<sup>1</sup>

A few extracts from the indictments and informations of the years 1645 and 1646 will show the nature and extent of these depredations, which were not confined to the Scottish side of the Border, but extended into Redesdale and Tynedale on the English side. The principal leaders of these raids were Armstrongs and Elliots, and the following examples are taken from a list of robberies committed by those of the former surname:—

“Symon Armstrang, called of Whitlisyde, Geordie Armstrang, called of Kynmount, Hutchen Armstrang, called Old Sandie's Hutchene, Will and Francis Armstrangs, called of Woodhead, . . . did steal out of Meikle Swinburne Park, in Northumberland, fyftie kye and oxen, pertaining to Thomas Chatta, in Swinburne.” “Syme Armstrang of Whitlisyde, and his partners, did steal out of the Ruken, in Ridsdale, four score of sheep.” Having brought them through Tynehead, along the back of Flights-fell, and in at

<sup>1</sup> Original Commission in Buccleuch Charter-room.



Cashope-head, they left them and went in search of food ; but the owners had closely followed them, and on the return of the marauders the sheep were gone. This Sym Armstrong of Whitlisyde made his house a rendezvous for resetting and entertaining "all the fugitives, outlaws, and moss-troopers that come either from England or Ireland, or are upon the Borders of Scotland," and seems to have held at his house a regular "tryste" or market for the disposal of the stolen cattle, as we are told that all these "malefactors, from whence soever they come, doe meete to tryste and trade about their stollen blocks and barganes."<sup>1</sup>

They occasionally went in such numbers as to offer a formidable resistance to any attempt that might be made to recover stolen goods. A number of Armstrongs, and "others their complices, to the number of fyftie or thrie score of men, did, about twelve hours of the day, drive out of the lands of Emblehope" three score of oxen. The same party shortly afterwards took four-and-twenty horses belonging to the same proprietor, and also ten horses and mares, and a stallion valued at £20 sterling. This gang, augmented to the number of about eighty men, drove away openly in the day time "twelve or thretten score of nolt, with a great number of horse and meares," belonging to the Charltons of Tynedale. On another occasion, twenty-seven score of sheep were taken from the lands of Bygate Hall, which were, however, recovered by those who followed the raid.

The sleuth-hound was frequently made use of to track robbers. Elliot of Park and Henderson of Catheugh one night surprised two horsemen among their goods, on whom they raised the fray. One Matthew Robison and his brother had just returned from an excursion into the Debateable Land after some cattle of their own, and had a sleuth-hound with them. The sleuth-hound was cast into the track of the horsemen, who had fled on being challenged at Catheugh and Cringlefold, until they came to Carshope, from whence they stole threescore sheep. On being overtaken by their pursuers, they were forced to leave the sheep and once more take to flight. The

<sup>1</sup> Judicial and other Papers in Buccleuch Charter-room.



hound, however, never lost trace of them, and they were ultimately run to ground at Bruntshells, where they were taken, and found to be Hutchen Armstrong and Rob Donaldson, in Reedbank upon Esk. Their captors presently after let them go. "Upon what conditions," the memorandum states, "those who took them can best declare."<sup>1</sup>

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The pursuit of the moss-troopers did not always end so peacefully, but frequently resulted in bloodshed. The Armstrongs of Kinmont, with their accomplices, to the number of sixteen men, stole from the lands of Pundershaw, in Northumberland, fourscore kye and oxen. The friends and servants of the owner, Mr. Cuthbert Hearon, mustered for the pursuit, and about sixty men followed the robbers into the Debateable Land. Mr. Edward Charlton of Antoun Hill, one of the pursuers, was attacked by John Armstrong of Parkknow, and Geordie, his brother; and the former having fired two pistols at him and missed, Charlton fired his carbine at John Armstrong and killed him, "whereupon the whole crew of Kinmonts and the rest of the country people did rise," and gave chase to Charlton, who fled for his life. At the end of two miles he was overtaken and brought back, through Liddell to Burnmouth, and being then informed that Parkknow was dead, four of the Armstrongs of Kinmont fell upon Charlton and murdered him. Immediately afterwards two more of the pursuers were slain, and another left for dead.<sup>2</sup>

Hutchen Armstrong, already mentioned, appears frequently in the complaints. With another of the same clan, he broke into the house of Mr. Thomas Alane, minister of Wauchope Kirk, and after beating him and his wife "verie pitifullie," took away two horses. Hearing that the minister intended to charge them with the robbery, and to "save their credit for feare of the Earle of Buccleugh, who now was become Master of the lands of that parish," they "dealt with a steale fellow of their owne on the English syde, one Perse Howme, a notorious outlaw, and as great a moss-trooper as themselves," to take the blame of the theft. Howme did so, "and openlie avowed that the

<sup>1</sup> Original Memorandum in Buccleuch Charter-room.

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



minister should never have so much as a hare of one of his horses tails againe, unles he did give him fyve pounds sterling," which sum the minister had to give him before recovering his horses. The Armstrongs of Kinmont and their accomplices appear very frequently and prominently in all the complaints of this period. In a list of the names of those who were outlawed for non-appearance at the Justice-Court of Jedburgh, before the Earl of Buccleuch, on 18th November 1645, containing the names of forty-seven persons, sixteen of them were Armstrongs. A memorandum of those "thocht evill anes" in the parish of Canonbie, shows a similar predominance of that surname.<sup>1</sup>

Occasionally a humorous incident relieves the monotony of the long roll of robbery and bloodshed. Lencie Armstrong, called of Catheugh, Geordie Rackesse, and several others, had made a successful foray across the English Border, and were driving homewards, on the Sunday forenoon, about eighty oxen which they had seized. At Chiffonberrie Cragge "a poore English curate, who had some beasts in that drift taken frome him, following them, desyred them earnestlie to let him have his twae or thrie beastes againe, because he was a kirk man. Geordie Rackesse, of the Hillhouse, laughing verrie merrilie, wist that he had all the ministers of England and Scotland as far at command as he had him, and withal bade him make them a litle preaching, and he sould have his beastes againe. 'Oh!' says the curate, 'good youthe, this is a verie unfit place for preaching; if yow and I were together in church, I wold do my best to give content.' 'Then,' said Geordie, 'if yow will not preach to us, yet yow will give us a prayer, and we will learne yow to be a moss-trooper.' This the curate still refused. 'If yow will neither preach nor pray to ws,' said Geordie, 'yet yow will take some tobacco or sneising [snuff] with ws.' The curate was content of that, provydeing they wald give him hys beastes againe, which they did accordinglie, and so that conference brake."

The owner of the fourscore cattle, Roger Harbotle, was not so fortunate

<sup>1</sup> Original Memorandum in Buccleuch Charter-room.



as the curate. Despairing of obtaining restitution through the ordinary course of justice in that stormy period, he entered into negotiations with the thieves, who, on dividing the spoil, "everie man of them had seven beasts to his pairt." He offered Lencie Armstrong of Catheugh eight shillings sterling for each of his cattle, but without success. Lencie, instead of treating with him, threatened him with another raid, alleging that the barony of Langlie, in which Harbotle dwelt, owed him thirty pounds sterling, which the indwellers there were in use to pay his father and grandfather, and had not paid it for many years back. This was no doubt for arrears of black-mail, which the "indwellers" had ceased paying during the quieter times; but the immunity from punishment, which the marauders were now experiencing during the Civil War had apparently raised their hopes of again levying this protection-money.<sup>1</sup>

Although Justiciary Courts were regularly held by the Earl of Buccleuch and his deputies, and ample powers delegated to them for the punishment of offenders, the means at their command were insufficient to carry these powers into execution. Both countries had then more important issues at stake than the repression of Border robberies, which had become so formidable and audacious that it would have required a strong force and a vigorous administration like that of the Earl's grandfather to repress them. The marauders had confederates and agents on either side of the Border, which enabled them to dispose of large flocks and herds with impunity.

There is sufficient evidence in the documents which have been preserved, connected with the judicial proceedings against these men, to show that Francis, Earl of Buccleuch, made strenuous efforts to regulate the unruly district under his charge. His anxiety to secure justice and protection to the inhabitants of both sides of the Border is shown in the following letter from certain parties in Alnwick, in Northumberland:—

RIGHT HONOURABLE,—Wee have, with a great deall of content and apprehension of your Lordship's noblemindednes towards us and the whole body of this

<sup>1</sup> Judicial and other Papers in Buccleuch Charter-room.



county of Northumberland, received your Lordship's lettres of the 26th of May 1645, with a schedull of names of such as you haue imprisoned, labourers to destroy the bordering parts of their owne and neighbouring nation. Wee shall not, God willing, faile to give the amplest and most tymely warning we may to such as have any matter of prosecution against them, to appeare at Selkirke against the 12th of June, and especially against Lancelott Armstrang of Catheugh. Wee desire, in the deepest degree of acknowledgement, to mention this honorable respect, issuing from your Lordship so freely, and to study at all tymes to manifest ourselves those that wilbe ready to make demonstration upon every emergent occasion, that we will ever remaine

Your Lordship's,

In our best observances and services,

MR. ELISHA WELDEN.

HENRY OGLE.

GEO. PAYLER.

RICH. FORSTER.

ALEX<sup>r</sup>. COLLINGWOOD.

WILLIAM ARMORER.

RAPHE SALKELD.

Alnwick, the thirtieth of Maii, 1645.

To the Right Honourable our noble Lord, the Earle of Buckclough, at Branxholme in Scotland.<sup>1</sup>

When the new Commission to the Earl was granted in 1646, he received at the same time the thanks of the Council, by an Act of Approbation, for the efficiency of his services on the former Commission.

The tenants of the Earl of Buccleuch were the principal sufferers, and the cattle of the Earl himself were sometimes carried off in considerable numbers. The following incident, describing the easy recovery of a number of sheep belonging to the Earl, shows that the marauders were not disposed to carry their resistance to extremity where the Earl's own property was concerned. A flock of fifty sheep were stolen out of Carshope, and the herd setting out in search of them, followed them "with his eye in the storm until the ail house beside Kirklington, in Cumberland, where a number of the moss-

<sup>1</sup> Original Letter in Buccleuch Charter-room.



troopers were sitting drinking, who inquiring from whence he with the blanket did come, he told them he was comed in following the Earl of Buccleuch's sheep that were stolen out of Carshope, and he had found forty of them at that house. They ask him how he durst follow or find any Lord or Laird's sheep there. He said they might well, or it were long, see another sort of followers of these sheep, that would not spare them, for all their proud crackes if they had any hand in stealing of them, whereupon they took their horses, and presently went away. The fellow charges the good-man of the ale-house with the reset of the sheep, because he had found them at his house, which he denied, and bade him do with them what he pleased, for he had nothing to do with them. Whereupon he brought the sheep driving back unto Arthur Grame's house of Parkrig, who kept him and the sheep all night."<sup>1</sup>

The anxiety which the state of the Borders caused to the Earl, and his great desire to repress the marauders, is shown in the following letter which he wrote to Gideon Scott of Highchester:—

"LOVING FREIND,—Ther is ane Justice-Court to bee halden att Drumfreis one Tuesday come aught days, the 26 of this moneth, which by all appearance will bee to little purpose unless some of yow of Tiviotdail and the Forrest who aire upon the commissione bee present ther, to countenance that business which is so necessarie for the good of that country, and will bee exemplarie to these wicked people whose robberies is too much chirished. And therefor I earnestly desyre yow will bee pleased to take pains to goe thither and assist to doe justice on these wicked malefactors now in that prisone; wher I hope your brother Sir Williame, Stobs, Colonell Scott, Quhitslett, Gandilands, Sintoune, and Gowrinberry will meet yow, together with som of the gentlemen of that country, and wher your trouble will bee only for a day or two att most, which I am assured yow will doe att the desyre of

Your most affectionatt freind,

BUCCLEUCHE.<sup>2</sup>

"Edinburgh, February 18, 1650."

<sup>1</sup> Original Statement in Buccleuch Charter-room.

<sup>2</sup> Original Letter in Lord Polwarth's Charter-room.



The army of Cromwell, while quartered near the Borders, also suffered from the attacks of these daring freebooters. In a letter from his headquarters, in Edinburgh, 16th October 1650, he refers to the theft of horses made by the moss-troopers, who were tenants of the Earl of Buccleuch. "My last told you of a letter to be sent to Colonel Kerr and Straughton from hence. Saturday the 26th, the Commissary-General dispatched away a trumpet with that letter, as also gave another to the Sheriff of Cumberland, to be speeded away to M. John Scot, bailiff and B. brother to the Lord of Buccleuch, for his demanding restitution upon his tenants, the moss-troopers, for the horses by them stolen the night we quartered in their country, since which, promises hath been made of restitution, and we doubt not to receive it very suddenly, or else to take satisfaction another way ourselves."<sup>1</sup>

Repeated complaints were made to the Privy Council and the Committee of Estates by the peaceful inhabitants of the Border counties, requesting them to take measures to repress and punish the moss-troopers for the numerous murders and robberies committed by them. In order to suppress these outrages, punish the offenders, and secure the quiet of the kingdom, a commission was granted on 2d December 1648, by King Charles the First, with advice of the Lords of his Privy Council and Committee of his Estates of Parliament, to Francis Earl of Buccleuch, William Earl of Lothian, Archibald Lord Angus, John Lord Kirkcudbright, Sir William Douglas of Cavers, Archibald Douglas, his eldest son, Sir William Scott of Harden, elder, Sir William Scott far thereof, and many others, who are named, of whose affection and abilities his Majesty had good experience, constituting them his Commissioners within the bounds of the shires of Roxburgh, Selkirk, Dumfries, and Stewartry of Annandale, with power to any one of them, or any having warrant from them, conjunctly and severally, to pursue and apprehend the said moss-troopers, thieves, robbers, their associates and followers, or any other committers or suspected committers of the

<sup>1</sup> Border Antiquities, vol. ii. p. cxxv.



above-mentioned crimes, wherever they might be apprehended within these bounds, and to commit them to any jails within the said bounds or any other jail thereabout, till they be brought to trial. Any of the Commissioners, or any having power from them, were authorised to cause the persons so warded to be brought to the Courts to be held by the Commissioners, or any five of them, any of the noblemen named being one, for their trial and punishment within these bounds. Should any of them, to escape apprehension, flee to places of strength, or elsewhere within the kingdom, any of the Commissioners mentioned and those having warrant from them, were invested with power to pursue them, to lay siege to the strongholds and use all kinds of force and warlike engines for taking these houses and apprehending the persons therein, and to put them to the knowledge of an assize, and to administer justice upon them conformably to the laws of the realm, and to convene before them the reseters of the moss-troopers, thieves, robbers, or any others committers of the crimes aforesaid. This Commission is signed by the Lords of the Privy Council.<sup>1</sup>

The Earl of Buccleuch had to share in the proceedings against witches, which were not uncommon in his time. A Commission was granted to him in the year 1650 for the burning of witches in the parish of Eckford.<sup>2</sup> The original Commission has been lost, but it would confer the powers usually given by the Privy Council in such cases; to hold courts for the trial of those accused or suspected, and if they were found guilty to pronounce sentence of death, to be carried out in the customary manner by burning at the stake. An instrument called the "branks" was sometimes placed over the head to stifle the cries of the victim, but at a later date the accused was strangled at the stake before being burnt. One of these curious relics of former days of superstition and barbarism is preserved at Dalkeith House. It was discovered in the foundation-stone of the former church of

<sup>1</sup> Vol. ii. of this work, pp. 283-287.

<sup>2</sup> Paid "for a commissioun for burneing of witches in Eckfurd, £10, 3s." Scots.—Buccleuch Chamberlain Accounts.



the parish of Glenbervie, when the present church was built, and it was presented to His Grace the Duke of Buccleuch.

Francis, Earl of Buccleuch, having lost his only son, Walter, Lord Scott, who died in childhood, was desirous that, failing surviving male heirs of his body, the honours and estates of the house of Buccleuch should descend to his daughters. He accordingly executed a bond of tailzie, dated 14th June 1650, and made resignation of his honours and estates into the hands of the Barons of Exchequer, for new infestment to be granted to himself and to the heirs-male of his body; whom failing, to the eldest heir-female of his body; whom failing, to Lady Jean Scott, afterwards Countess of Tweeddale, his sister, and the heirs-male of her body; whom failing, to the eldest heir-female of her body; whom all failing, to any other person whom, during his life, he should nominate to be heir of tailzie. In the event of one of his daughters, or any other heir-female succeeding, it was provided that she should marry a gentleman of the name of Scott, or who should assume that name, and whose heirs should likewise bear the name of Scott and the arms of the family of Buccleuch, under pain of forfeiture of the titles and estates. The heirs-female were also bound not to alter or infringe the tailzie, nor to sell, dispone, nor wadset any part of the estate, excepting so much as would pay any debt which the Earl should be found owing at the time of his decease. The Earl reserved the power of nominating at any future time the governors, guardians, tutors, or curators of his heirs during their minority.<sup>1</sup>

Having thus provided that in the event of his having no sons, his eldest surviving daughter would succeed to the estate and honours of Buccleuch, the Earl made his last will and testament, which is dated at Edinburgh, 15th June 1650. In the event of his leaving sons, one or more, at the time of his death, he nominated his eldest son for the time his only executor and universal intromitter with his personal estate, and failing of sons, he nominated

<sup>1</sup> Extract Bond of Tailzie in Buccleuch      corded in the Books of Council and Session  
Charter-room. The original Bond was re-      on 24th June 1650.



Lady Mary Scott, his eldest daughter ; and failing of her by decease, Lady Margaret Scott, his second daughter ; and failing of both by decease, his next eldest daughter for the time successive ; and failing of both sons and daughters, he nominated Lady Margaret Leslie, his Countess, his sole and only executors and universal intromitters with his moveables : so that in consequence of the deed of entail, executed 14th June 1650, which provided that in the event of his dying without a male heir of his own body, his eldest surviving daughter should succeed to the estates and honours of Buccleuch, his executor being his eldest son or eldest daughter for the time, was to succeed also to his estates. He ordained his heirs and executors to pay all debts and provisions that should be owing by him to his creditors, or provided by him to his other children at the time of his decease, with all legacies he should leave, and for the better performing thereof he disposed to his heir of tailzie and executor, all personal property belonging to him at the time of his decease. Should Lady Margaret Leslie, his spouse, be his executor, through the failure of both sons and daughters to be heirs and executors, he left and disposed his house moveables to her, free of all debts and burdens whatsoever, except such particular legacies as he should leave to any particular persons or uses. He nominated Lady Margaret Leslie, his spouse, Sir John Scott of Scottstarvet, Sir William Scott of Clerkingtoun, both Senators of the College of Justice, Sir William Scott of Harden, elder, Sir William Scott, younger, his son, William Elliot of Stobs, Colonel Walter Scott of Hartwoodburne, John Scott of Gorinberrie, Patrick Scott of Thirlstane, Mr. Laurence Scott of Bavailaw, Patrick Scott, writer in Edinburgh, Gilbert Elliot, fiar of Stobs, tutors-testamentars to all his children, with power to them or any five of them, Lady Margaret Leslie, his spouse, during her widowhood, being always one of the five ; and failing of her by death or marriage, Sir John Scott of Scottstarvet, Sir William Scott of Clerkingtoun, Sir William Scott, elder, of Harden, or any of them, being always two of the five ; and should there be fewer than five in life for the time, with power to them to exercise the office of tutory.



The Earl made a codicil to his will at Dalkeith, 20th November 1651, in which he nominated Gideon Scott of Highchester, second lawful son to Sir William Scott of Harden, and Mr. Laurence Scott of Bavailaw, to be two of the tutors, in addition to those nominated in his principal testament. He also left various sums to be paid yearly to several servants and others by his heirs. To John Scott, his youngest natural brother, he left the sum of £100 annually during all the days of his life.<sup>1</sup>

Considering the near relationship of the Earl of Tweeddale's children, who were heirs of tailzie, and the possibility of their succeeding to the estate by failure of the children of Earl Francis, it was considered advisable not to appoint the Earl of Tweeddale to the office of tutor, as, having so strong a personal interest in the succession, he might have been tempted to abuse the powers of his office to the advantage of his own children. The Earl of Tweeddale, it is said, was greatly disappointed when the contents of the Testament became known, as he had confidently expected to be nominated one of the tutors.<sup>2</sup>

The Inventory of the personal property and debts pertaining to Earl Francis at the time of his decease, was given up by John Gledstones, his chamberlain, at the command of the tutors to Lady Mary Scott, then Countess of Buccleuch. The sum of the inventory, with the debts, was £86,700, 4s. 11d. The debts owing by the deceased were £7068, 11s. 4d. There rested of free gear, the debts deduced, £78,939, 2s. 4d.<sup>3</sup>

While yet a young man, being only four years past his majority, the Earl died at the Castle of Dalkeith, after a short illness, on Saturday, 22d November 1651, and was interred in his own burial-place in Dalkeith Church, on Thursday, the 4th December following.<sup>4</sup>

<sup>1</sup> Vol. ii. of this work, p. 293.

<sup>2</sup> An Information of the Condition of the Family of Buccleuch, and the most remarkable occurrences therein, from the 14th of June in the year 1650, by Sir Gideon Scott,

pp. 2, 3.—Original in Lord Polwarth's Charter-room.

<sup>3</sup> Vol. ii. of this work, p. 292.

<sup>4</sup> Balfour's Annals of Scotland, vol. iv. p. 352.



He is thus described by Satchells :—

“ Earl Francis his father Earl Walter did succeed,  
 Into his earldom, but not to his head ;  
 Yet he wanted neither hand, head, nor heart,  
 But could not act like to his father's part :  
 His father's acts were all military,  
 And he was much inclin'd to study ;  
 His father scorned to suffer a stain,  
 Neither of himself nor of his name ;  
 With the house of Rothes married he,  
 An equal match by antiquitie.”<sup>1</sup>

The excellence of his character earned for him the name of the “ Good Earl Francis.”

Lady Margaret Leslie, Countess of Buccleuch, survived her husband, Francis, Earl of Buccleuch. Satchells does not speak very favourably of the Countess :—

“ That worthy Earl was soon by death assail'd,  
 'Gainst whom no mortal ever yet prevail'd :  
 He had no heirs-male, but daughters left behind,  
 For to enjoy his great earldom and land ;  
 These infants sweet left to their guardians to keep,  
 Their tutors oft suffered controul,  
 Their mother was so impudent  
 That she must always have her intent.”<sup>2</sup>

An allowance of £10,000 Scots was granted, 20th August and 15th December 1652, by the tutors of Lady Mary Scott, Countess of Buccleuch, and her sisters to their mother, the Countess-Dowager. This sum was granted to the Countess-Dowager in consideration that she had been debarred from her conjunct-fee for the crop of the year 1651, in consequence of the death of the Earl, her husband, having happened after the term of Martinmas

<sup>1</sup> History of the Name of Scot, p. 49.

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



that year, so that she could not obtain payment of any part of the rents of her liferent lands till Martinmas following. The allowance was also granted in consideration that her Ladyship had been at great expense in her family between the time of the Earl's death in November 1651 and Whitsunday following, when it had been incumbent on the young Countess, as heir and executor to her father, to entertain the family honourably upon her Ladyship's expenses, to pay the charges of the Earl her father's funeral, the visits of divers friends, and others, occasioned by the abode of the English Commissioners at Dalkeith, and frequent meetings of the tutors for the young Countess of Buccleuch's affairs at the Countess-Dowager's house. The tutors also allowed to the Countess-Dowager, for the maintenance, education, and clothing of the three young ladies her daughters, and servants' fees, the sum of 7200 merks.<sup>1</sup>

About fourteen months after the death of her second husband, the Earl of Buccleuch, his Dowager married, as her third husband, David, second Earl of Wemyss, who, like herself, had also been twice previously married. The marriage was at Sheriffhall, where she resided, near Dalkeith, on 13th January 1653. Two letters which she wrote to the Earl of Wemyss, bearing on their courtship, may here be introduced :—

“MY LORD,—My disyr preuailing so much with your Lordship this day, as to persuad you to goe another way then ye intended, obliges me, in the sence thereof, to return thanks, sieing in that mor respect then in manie visits, or rather then is diserued. I most presume by this to intret your Lordship to forget wher I am that ther may be no uisit nor leter till the end of the nixt munth, at which tyme hir resoloosion shall be imparted to your Lordship, who is,

MY LORD,

Your Lordship's most humble seruant,

MARGARET LESLIE.

“Shirefhall, 8th July [1652].

“For the right honorable the Earlle of Wiemis.”<sup>2</sup>

<sup>1</sup> Vol. ii. of this work, p. 298.

<sup>2</sup> Original Letter at Wemyss Castle, Fife.



"MY LORD,—Since it pleses your Lordship still to expres so much respect as willingly to alter any of your resoloutions intended, I doe estiem it ane uery great obligasion, and shall not dout bot as it plesed your Lordship to promice in your last to me at Edenburgh, that ye wold delay your coming to this syd som tym yet, tho' I shall not presum to prescryv, yet I houp not to be mistakin in this, since at present it is most fit, and it is the dysyr of hir who is,

MY LORD,

Your Lordship's most humble seruant,

MARGARET LESLIE.

"Shirefhall, 26th August [1652].

"For the right honorable the Earlle of Wiems."<sup>1</sup>

The originals of these letters to the Earl of Wemyss are written on black-edged paper, and are sealed with black wax, as tokens of mourning for her second husband, the Earl of Buccleuch. The lady's love-letters to her intended third husband were thus written in the time of her mourning and grief for her late second Lord. The grief of the Earl of Wemyss for the loss of his second wife was even shorter-lived than that of the Countess of Buccleuch for her husband. The funeral of the second Countess of Wemyss took place on the 6th of May 1652, and the reply of the Countess Dowager of Buccleuch to the proposal of the Earl of Wemyss was written only two months afterwards. If the character of the second Countess of Wemyss is correctly described by Mr. John Lamont in his Diary, it is rather surprising that the Earl should have been so eager for another alliance. Lamont says, "The Lady Weyms in Fyfe, surnamed Fleymen (Fleming), being the Earles second lady, departed out of this life at the Weyms, without children, and was interred the 6 of May [1652] att the Church of the Weyms. She caused her husband give a frie discharge to her brother, the Lord Fleymen, of her whole tocher, being about 20 thousand merks Scots, before any of it was payed to him, so that he is not to receive a farthen token of it. She caused her husband also, and her

<sup>1</sup> Original Letter at Wemyss Castle, Fife.



brother, to give Mr. Patrick Gillespie (sometime minister of Kirkekaldie) a band of foure thousand marke, to be payed by them to the said Mr. Pa. She caused also a doore to be struken throughe the wall of her chamber, for to goe to the wine cellar; for she had (as is said by many) a great desire after stronge drinke. The frindes of the E. of Weyms say, that at her death he was a hunder thousand mark worse then when he married her (and all the tyme of ther mariage was onlie two yeare)."<sup>1</sup>

By her third husband Lady Margaret Leslie had one son, David, Lord Elcho, who died on the 28th of September 1671, in the seventeenth year of his age, unmarried. She had also one daughter, Lady Margaret Wemyss, who became Countess of Wemyss in her own right, and married, first, James, Lord Burntisland, and had issue one son and two daughters. She married, secondly, George, Viscount of Tarbat and first Earl of Cromartie. In "The Earls of Cromartie" there are notices of Margaret, Countess of Wemyss and Cromartie, including the quaint letter of Lord Cromartie proposing to her Ladyship.<sup>2</sup>

Of the marriage of Francis, Earl of Buccleuch, and Lady Margaret Leslie there were one son and three daughters—

Walter Lord Scott was born at Dalkeith on Sunday, 5th November 1648, and died in infancy. A letter from Margaret, Countess of Eglinton, sister of Earl Walter, dated 8th May 1650, alluding to her intended visit to Dalkeith, states that "me lord and his lady taks it weri greifously the daethe of ther sonne."

The daughters were—

1. Lady Mary, who succeeded her father as Countess of Buccleuch, was born at Dalkeith on Tuesday, 31st August 1647, as shown in her Memoir.

2. Lady Margaret, the second daughter, was born at Dalkeith on Tuesday, 5th March 1650. She died in the winter of 1652, and was buried at Dalkeith.

<sup>1</sup> Lamont's Diary, p. 40.

<sup>2</sup> The Earls of Cromartie, by William Fraser, vol. i. p. cxlii.



3. Lady Anna, the third daughter, who succeeded her sister Lady Mary as Countess of Buccleuch, was born at Dundee on Tuesday, 11th February 1651. She became Duchess of Buccleuch and Monmouth, as shown in her Memoir.



Buccleuch &

Margaret Leslie



## CHAPTER SIXTEENTH.

## XVI.—LADY MARY SCOTT, COUNTESS OF BUCCLEUCH.

BORN 1647. SUCCEEDED 1651. DIED 1661.

WALTER SCOTT OF HIGHCHESTER, EARL OF TARRAS.

LADY MARY SCOTT was born at Dalkeith on Tuesday, 31st August 1647. At the time of her succession to her father in November 1651, she was thus a child of only four years. As the inheritor of the extensive earldom of Buccleuch, and as the object of intrigues which led to her premature marriage in childhood, the history and fate of Mary, Countess of Buccleuch, furnish materials for a real romance.

Her succession to the titles of honour and the territorial possessions of the earldom of Buccleuch, was regulated by the deed of entail which was made by her father, Earl Francis, in 1650, soon after the death of his only son, Lord Scott, as already explained in the preceding Memoir.<sup>1</sup>

The early years of the Countess Mary were passed in the old Castle of Dalkeith, which was the ancient inheritance of the family of Douglas, Earl of Morton, till it was acquired by her father. But soon after the death of Francis, Earl of Buccleuch, the English Commissioners appointed by the Commonwealth for the administration of Scottish affairs took possession of the castle, park, and orchard. They probably did so under the mistaken idea that these belonged to the Crown, as King Charles the First, in the

<sup>1</sup> Her retour as heir to her father is dated 6th October 1653.





LADY MARY SCOTT.  
COUNTESS OF BUCCLEUCH.  
BORN 1647, DIED 1661.





WALTER SCOTT OF HIGH CHESTER, EARL OF TARRAS.

HUSBAND OF MARY, COUNTESS OF BUCCLEUCH.

BORN 1644. DIED 1693.



year 1637, acquired from the Earl of Morton the estate of Dalkeith, intending to make it a great park. But shortly afterwards, owing to the troubles in which the King became involved, his purpose was not carried into effect, and he re-sold Dalkeith to the Earl of Morton, who was again infested. But he soon afterwards sold Dalkeith to Francis, second Earl of Buccleuch, who paid a very high price for it and obtained possession. The tutors of the Countess having learnt in 1652 that it was the intention of the Commissioners to return soon to England, an attempt was made by them to recover possession of the Castle of Dalkeith. In this they were unsuccessful. The Commissioners declared that they had no power in themselves to deliver up the castle, as they had been appointed to reside there by an order of the Parliament of the Commonwealth. They promised, however, to deal with the Parliament for its redelivery to the Countess of Buccleuch. A petition was also presented in June 1653 to the Council of State, with no more success than the former application.<sup>1</sup>

The castle and park of Dalkeith were then placed by the Government at the disposal of General Monck, as Commander-in-chief of the army in Scotland. He continued to reside there until his departure for England, immediately before the Restoration of King Charles the Second. The Restoration was, indeed, arranged in one of the rooms of the castle, and it was there that the negotiations were carried on which resulted in the march of General Monck to London. No rent was paid by the Commissioners during their stay at Dalkeith; but Monck, during his residence there paid a yearly rent of £110 sterling for the park and orchards, but only a nominal rent of threepence yearly for the castle. The Government possibly considered that they were justified in occupying a fortified castle without paying rent, especially as it belonged to the successor of Francis, Earl of Buccleuch, who had, in his later years, espoused the cause of King Charles the Second, in opposition to the establishment of the Commonwealth. And the nominal rent of threepence would, at the same time, express their intention of considering the castle to be

<sup>1</sup> Sederunt Book of the Tutors, in Buccleuch Charter-room.



the private property of the Countess of Buccleuch.<sup>1</sup> On their removal from the Castle of Dalkeith, the Countess of Buccleuch, with her mother, the Countess of Wemyss, and her sisters, the Ladies Margaret and Anna, abode at Sheriffhall House, near Dalkeith, which was fitted up for their reception. The Charter-chests containing the family muniments were at the same time removed from the Bass Rock, where they had lain for safety during the civil troubles, and were placed in Sheriffhall. During her residence there the Countess lost her next sister, Lady Margaret, who died before she had reached her third year.

The marriage of the Countess-Dowager of Buccleuch to the Earl of Wemyss in the year 1653 again altered the arrangements of the family. The Countess of Buccleuch and the Lady Anna Scott, her only surviving sister, then removed with their mother to Wemyss Castle, in the county of Fife, where the Countess Mary continued to reside until her marriage in the year 1659.

Although Earl Francis had acted with the party in Scotland which opposed the expedition to England under the Duke of Hamilton, his subsequent action in lending his support to the measures for promoting the cause of King Charles the Second made him obnoxious to the Government of Cromwell. His death shortly after the decisive battle of Worcester prevented the punishment falling on him personally, but his successor did not escape. By the Protector's Act of Pardon and Grace, dated in the year 1654, the Countess Mary, as the heir of her father, was fined in the sum of £15,000 sterling, which was the largest fine imposed. Commissioners were appointed by the Protectorate to hear and decide the petitions which were presented in order to obtain relief from the fines, and the tutors of the Countess adopted measures for obtaining her exemption from the fine, or at least the mitigation of its severity.

The petition presented by the tutors on behalf of the Countess of Buccleuch represented that the fine had been imposed by some mistake, his Highness the Lord Protector and his Honourable Council not being fully

<sup>1</sup> Buccleuch Chamberlain Accounts, in Buccleuch Charter-room, and Original Con- tract, signed by General Monck, in Lord Polwarth's Charter-room.



informed of the condition of the petitioner and the conduct of her deceased father. The tutors offered for their consideration the following particulars :— That the petitioner was a pupil under seven years of age ; that her estate was provided to her with such conditions that she had no power to dispose of any part of, nor contract any debt on it ; that the yearly value of the estate was not so large as had been represented, besides being burdened with the liferent of the Countess-Dowager, the provision to Lady Anna Scott, and others, and with the claims of the creditors of the late Earl. It was also urged that the estate had suffered severely by the waste and destruction during the years 1650 and 1651, and that the Castle of Dalkeith had been refitted for the use of the Commissioners, for whose accommodation the Dowager Countess and her family had willingly removed from Dalkeith House and Park.

The petition then describes the conduct of the Earl during the Civil War, showing that he had, when very young, acted as Colonel of a regiment of the army which assisted the English Parliamentary forces ; that in the year 1648 he had opposed the "Engagement," withdrawing from Parliament on that occasion, and only returning for the purpose of recording his dissent from that expedition ; and although that Parliament had nominated him or his brother, David Scott, to be Colonel of a regiment, he had refused and also dissuaded his brother from joining the party. With his friends and followers he was among the first to rise in arms against the returning army, and he voted in the Parliament of 1649 which condemned the "Engagement" as unlawful. Since her father's death the petitioner and her tutors had shown themselves always obedient to the existing Government in all things that could be expected of them.<sup>1</sup>

The petition was accompanied by attestations in favour of the late Earl

<sup>1</sup> The petitioners had made out a good case so far, and they wisely stopped at that point. A note on a contemporary copy of the Petition suggests that "It is thought not fitting to mention any thing the late Earle

can be charged with as sitting in Parliament or Comitties since Dunbar, anno 1650," after which time he had supported the cause of King Charles the Second. Vol. ii. of this work, pp. 300-302.



from Lord Burghly and others, which have been noticed at length in the previous Memoir.<sup>1</sup>

It was considered advisable that in addition to the petition, personal application should be made to the Protector and his Council; and with this object John, third Earl of Tweeddale, and Gideon Scott of Highchester, were commissioned by the tutors to proceed to London, for the purpose of giving all necessary information concerning the conduct of the late Earl in relation to the alterations and troubles in both countries, and generally to act as they thought fitting for the purpose of procuring a reduction of the fine, if they could not obtain complete exemption.<sup>2</sup>

The instructions given by the tutors to the Commissioners to guide them in the negotiation were of the same nature as the reasons already urged in the petition. In the event of their succeeding in obtaining a reduction of the fine, they were to request an allowance to be made for the loss sustained by the Countess in giving up Dalkeith House and Park to the English Commissioners, and also for the timber which had been cut during their residence there. They were enjoined, if they considered it requisite, to advise with the Earls of Rothes and Roxburgh, Sir John Scott of Scottstarvit, and Patrick Scott of Thirlestane, and if they met with any serious difficulty requiring a consultation of the tutors, they were requested to inform Sir William Scott of Clerkington, Mr. Laurence Scott of Bavalaw, or Patrick Scott of Langshaw, who would convene a meeting of the tutors to decide on any measure of importance.<sup>3</sup>

A great deal of the information we possess of the progress of the negotiations is derived from papers written by Gideon Scott of Highchester; and as he was a rival of the Earl of Tweeddale for possession of the control over

<sup>1</sup> Vol. ii. of this work, pp. 302-306.

<sup>2</sup> Original Commission, dated 20th May 1654, in Buccleuch Charter-room. John, third Earl of Tweeddale, married Lady Jean Scott, daughter of Walter, first Earl of Buccleuch, and aunt of the Countess Mary.

Gideon Scott of Highchester was a younger son of Sir William Scott of Harden, and father of Walter Scott, created Earl of Tarras for life.

<sup>3</sup> Original Instructions in Buccleuch Charter-room.



the destiny of the young heiress, his statements must be received with caution. His schemes for the furtherance of the interests of himself and his son, which for a time succeeded, brought him into frequent collision with the other tutors, and he never fails to attribute interested motives to those who opposed his policy and endeavoured to thwart his aims.

Respecting the appointment of the Earl of Tweeddale as a Commissioner, Gideon Scott alleges that some of the tutors were reluctant to employ him in that capacity. They were, however, led to acquiesce in this arrangement by the persuasion of Sir John Gilmour, Sir William Scott of Clerkington, and Patrick Scott of Langshaw, and of Mr. Desborough, an intimate friend of the Earl of Tweeddale, who possessed great power in influencing the Protector, both as to the imposition of fines and procuring exemption from them.

In fulfilment of the commission and instructions given by the tutors, Gideon Scott departed for London on 1st June 1654, and met with the Earl of Tweeddale on the Saturday thereafter at Newcastle. Thence they travelled together to London, where Highchester delivered to his Lordship the papers which he produced. Gideon kept a close and constant watch on the proceedings of the Earl, of whom he had a deep distrust, considering, not without cause, that their interests were antagonistic, and suspecting that his Lordship meant to use his influence in London to advance his own views.

On Monday 26th June, the Earl of Tweeddale presented to the Protector the supplication of the Countess of Buccleuch, with the several attestations connected therewith, which were referred by him to his Council at Whitehall, who, on 27th June 1654, ordered that the petition of the tutors be referred to the Committee for the affairs of Scotland, and reported by them to the Council.<sup>1</sup> Along with the petition an additional paper was given in, requesting that his Highness would be pleased to signify his resolution concerning the Countess of Buccleuch's fine, that the Earl might have encouragement to return prepared to give satisfaction therein. He also pleaded for an adjournment of the term for some time longer than the rest

<sup>1</sup> Original Order in Buccleuch Charter-room.



of the cases to be tried in Scotland, both in respect of the fine itself, and as a mark of his Highness's favour. He further requested that if the Protector meant to extend his favour to Sir William Scott of Harden, Patrick Scott of Thirlestane, and Sir John Scott of Scottstarvit, who had also been fined, the notice should be conveyed to them through the Earl, since thereby he would be rendered more useful, as these were special friends and trustees to the children of the late Earl of Buccleuch.<sup>1</sup>

The object of the Earl in presenting this additional paper was no doubt to increase his influence with the tutors, by making it appear that his power had been used to sway the Protector in their behalf.<sup>2</sup> The presentation of this memorial was unknown to Gideon Scott, who, having been informed by a friend of what had been done, suspected that some secret negotiation was being carried on inimical to his interests. He immediately sought the Earl and expostulated with him for having concealed from him part of the business intrusted to both, and for having proceeded in it without his knowledge and consent, notwithstanding their joint commission and instructions. His Lordship excused himself by alleging that he could not get a fit opportunity to inform him. Highchester was determined to have his suspicions of the Earl either confirmed or cleared, and he accordingly sought an interview with Lord Laurence, the President of the Council. He informed his Lordship that the Earl of Tweeddale had given in a supplication to the Lord Protector without his (Highchester's) knowledge or concurrence, which was directly contrary to the terms of their commission, which provided equal and conjunct powers to the two commissioners. "Therefore," he added, "I was jealous of him and amazed what his design might be." He therefore requested the President to permit him to inspect the document, which Lord Laurence refused unless he came accompanied by the Earl of Tweeddale.

The difficulty of getting access to the paper only increased Gideon Scott's

<sup>1</sup> Copy of Articles in Lord Polwarth's Charter-room.

<sup>2</sup> Gideon Scott alleges that Clerkington

and Langshaw were saved from being fined, through the influence of Tweeddale and his friend Mr. Desborough.



suspicion. Frustrated in his attempt to obtain the information privately, he went to the Earl of Tweeddale, and desired his Lordship to accompany him to the Council House, in order that he might inspect the supplication which had been given in, threatening, in the event of his refusal, to report the matter to the tutors. The Earl thereon went with him to the President of the Council. The papers having been produced and shown to Gideon Scott, he was somewhat appeased when he saw that they were the same as those that were subscribed by the tutors, which he was forced to admit. The Earl, turning to Gideon, said to him, "You will believe now, when you have seen them." "It might have been done with less noise," he replied.<sup>1</sup>

The Earl of Tweeddale then remonstrated with him for what he alleged was an unfounded suspicion, asserting that he had no other object in view except the furtherance of the business which had brought them to London. He then demurred to proceed any further in the commission, informing Gideon Scott that he might take it up if he pleased. But this proposal was refused by Highchester, who expressed his willingness to act along with his Lordship so long as the instructions defined by the commission were not exceeded. If we are to trust the statement of Gideon Scott, the Earl "went on still after that by himself alone without either advice or concurrence" with him.<sup>2</sup> Both Commissioners seem to have been more intent on watching each other than anxious about the reduction of the fine.

The following letter from the Earl of Tweeddale to Sir William Scott of Harden, informs him of the proceedings in London in reference to the affairs of the Countess of Buccleuch:—

Londone, July 6, 1654.

HONNORID SIR,—Thought I haue often wrott to Patrike Scott to be comunicat to all the tutors in toune, yitt supposing yow may seldome be ther, I

<sup>1</sup> It does not appear that the additional paper was at this time shown to Highchester, but only the supplication.

<sup>2</sup> "Report of Gideon Scott of Heychester to the tutors of the Countess of Buccleuch, of

his going to London with the Earl of Tweeddale anent the Countess's fine of £15,000 sterling," dated at Edinburgh 23d September 1654, in Buccleuch Charter-room.



intend this particular account for yow, that after I had saluted most of the persons of eminency heir the seconde time that I was with his Highnes, I presented the Counttes hir petitione, which he read at great leasure and the testimonie therewith, and remitting them to the Council promisid to haue a special regard to them, only desird to speak with me at mor lenght, beeing then to goe to Council. The occasione hes not yitt fallen out for ther is a greater distanc heir kipid then is immaginable, bot I hope to know mor of what may be expectid in a few days, if this general petitione of which I doubt not yow haue hard which hes occasiond a referenc of the hole matter of fins to Scotland doe not hinder; bot of this ue shal haue ful certainty in a day or two. Your sone is uery diligent in your ouen particular, and thought I haue bein littel usful to him in it, yit I hope I shal be mor heirafter; and ueryly, without complement, I desire to mak it appear, I am,  
 Your affectionatly humble seruant,

TWEIDDAILE.

For Sir William Scott of Harden.<sup>1</sup>

The Earl gave in a report to the tutors in September 1654, of the manner in which he had executed the commission with which he and Gideon Scott of Highchester had been intrusted. He then formally gave up the commission.

REPORT the EARLE OF TWEDDAILL to the TUTORES OF BUCCLEUCH,  
 the 22 of September 1654.

After ten dayes tyme spent in doeing the ordinar civilities to my Lord Protector, and severall of the Counsell, the nixt tyme I had ocasion to sie his Highnes I did present the petition with the Testimonie, which he haveing read, at great leasour, asked concerning the fortune of that familie, which I assured him would not exceed 5000<sup>lib.</sup> sterling of yeirlye revenue, and that ther was considerable burdeines theron, which could be made appear.

I found lykwayes he had received a bad character of the deceast Earle of Buccleuch, to which I made answer that, notwithstanding any misinformation, I sould be able to mak good all that was contened in the Testimonie. The president of the Counsell, my Lord Lawrence, then comeing in, my Lord Protector delyvered him the petition and testimonie, and willed him to cause reid them in Counsell. where a referance was made to the Committe of Scottes effeires alreadye produced.

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



What hes bein the result of that Comittee is now so generallie known in the ordinance ishued by his Highnes and the Counsell that I shall neid to say nothing of it. But that before my pairting the Report being made, and an ordinance apointed to be drawin up, the qualificationes therin was favourable to our interest. That the bussines is not brought to ane finall ishue, imput not the want of zeall in me to doe service in that familie, nor to any failance in taking that paines was neidfull, bot to personall weaknes and the deficiulties of following bussines there with the disadvantage of haveing acquaintance to mak, and to informe my self of the channells of effeires.

Bot for account of youre instructiones, for the first, as it was held forth in youre petition so it not receiueing any particular answer it had bein to small purpose to have insisted therone.

To the second, advyce was takin, as neid was, of such freindes as could be convenientlie had, and there was advertisment sent, as ocasioned offered, of what passed.

The fyft was assayed bot to small purpose.

The two last wer not followed, the bussines not being there to be heard nor determination made.

Only I desyered of my Lord Protector a suspension of the fyne, because the ordinance was not come out, bot could not obtaine it, albeit the first day of peyment was within few dayes.

TWEIDDAILE.<sup>1</sup>

The report having been read at a meeting of the tutors, Highchester declined to subscribe it, alleging that the truth of it was unknown to him, and that the Earl had acted in the negotiation without consulting him, notwithstanding their joint commission. He was accordingly requested by the tutors to give in a separate report at their next meeting. His report was produced on 23d September, and read in presence of the Earl of Tweeddale, who made no objection to it.

The petition to Cromwell was not without result. Although unavailing to procure entire exemption from the large fine imposed, the efforts of the tutors were successful in obtaining a considerable reduction of the amount, which was mitigated to £7000 sterling, instead of £15,000. Additional efforts were then made to secure a further abatement, and a second petition

<sup>1</sup> Original Report in Lord Polwarth's Charter-room.



was prepared and presented. It was accompanied by attestations, in addition to those formerly given in, from the Earl of Lothian and numerous gentlemen of the south of Scotland, and by the letter from Sir Archibald Primrose, given at length in the Memoir of Earl Francis, which cleared the Earl from one of the charges made against him.

An important service was also rendered by Sir Archibald, which bears a somewhat equivocal character. In his official position he had command of certain public documents, the exposure of which would have seriously damaged the case of the Countess of Buccleuch, and which he threatened to make public. The tutors accordingly made arrangements, by which, on paying him the sum of £1000 Scots, he undertook to suppress or destroy these dangerous papers. The record of this transaction may be given in the words of Patrick Scott of Langshaw, who paid the money:<sup>1</sup>—“Because Sir Archibald Prymrose had dyverse registeres and extracted actes of the Committe of Estates, quhilk he haveing shoared” (threatened) “to some of the tutores to mak publict, which wold have agravated my lordes department, and ocassioned litill or no diminution of my ladyes fyne; for bloting out of such recordes and recoverie of such actes of the Committe of Estaites, be derection and advyse of a quorum of the tutores *ad ecitandum majus malum*; and for a testificat under his hand for cleiring that my Lordes subscryveing of a letter which was particularlie laid to his charge was not in publict committe, but haveing subscryved a blank paper, was therafter, when he was gone, filled up be the clerk without his privitie or knowledge, which attestation was the chief ground wherupon we gave in our second petition, and gat doune £1000 sterline. I gave the said Sir Archibald my note of £1000 at demand, which accordinglie I payed, his testimonie of £1000 received from me and the actes heirwith produced.”<sup>2</sup>

Sir John Scott of Scotstarvit also proceeded to London at this time, to

<sup>1</sup> Patrick Scott of Langshaw, General Receiver for the Buccleuch estates.

<sup>2</sup> Buccleuch Chamberlain Accounts, October

1654. The “testificat” mentioned here is the letter from Sir Archibald, printed in the Memoir of Earl Francis.



endeavour to obtain exemption from his own fine, and to support the second petition in favour of the Countess of Buccleuch, and he reported his proceedings in London to the tutors by a written report, dated at Edinburgh, 8th June 1655.<sup>1</sup> Mr. Richard Warde, Clerk of the Bills, a gentleman possessing considerable influence with the Government of the Commonwealth, was also commissioned by the tutors to go to London, and urge many reasons for the mitigation of the fine. He exerted himself to their satisfaction, and brought a good deal of influence to bear on the question. He had a letter, among others, from the Countess of Wemyss to her brother, the Earl of Rothes. Judging from the Earl's reply to Mr. Warde, he was unwilling to commit himself to render any assistance.<sup>2</sup>

Newcastill, the 2 of Novr. 1654.

SIR,—It was my misfortoun to be out of the toun when you did me feauer to cal on me at my oun loudging. I reseued a leter from my sister uithin yours, wherin shie desays me to dou sumwhat which I shall satisfay hir with my not douing of it, and therfor shall giue you no furdur troubell, bot uich you good sucksus in your bousines, and euer remean,

Your most ashourid frind,

ROTHES.<sup>3</sup>

Mr. Richard Warde.

The result of these efforts was the further reduction of the fine from £7000 to £6000 sterling, the first half of which was paid on 25th June 1655, and the remaining £3000 on 29th September in the same year.<sup>4</sup>

The young Countess of Buccleuch became at a very early age the centre for a host of intrigues for the disposal of her hand in marriage. Gideon Scott

<sup>1</sup> Original in Buccleuch Charter-room.

<sup>2</sup> The Commission to Richard Warde is dated 24th and 31st October 1654. He sent a long report of his proceedings to the tutors on 7th June 1655.—Original Report, Commissions, and relative instructions in Buccleuch Charter-room.

<sup>3</sup> Original Letter in Buccleuch Charter-room.

<sup>4</sup> A considerable outlay was incurred in these negotiations. Mr. Warde was paid £3600, Sir Archibald Primrose received £1000, the Earl of Tweeddale £2647, and the tutors ordered £1000 to be paid to Gideon Scott, over and above the expense of the journey to London, which cost £2400, all Scots money, besides a number of smaller payments.



of Highchester enumerates no less than six schemes besides his own, which was successful. His chief rival, of whom he had most fear, was the Earl of Tweeddale.

The Earl was disappointed on discovering that he had not been appointed by the late Earl of Buccleuch one of the tutors to his daughter. He was thus deprived of much of the power and influence which he would have possessed in the management of her affairs. His own children being next heirs of tailzie to the estates and honours of Buccleuch, it was not unlikely that he contemplated, as he is said to have done, a marriage between the Countess of Buccleuch and one of his own sons. He therefore evinced a strong anxiety as to the disposal of the young heiress, and endeavoured to enlist her mother, the Countess of Wemyss, in his cause, by showing her that their interests were identical. He wrote to the Countess from London in July 1654 :—

Londone, July 6, 1654.

MADAME,—Hawing bein at payns in your dawghters affairs, and doubting it shal occasione yitt much mor befor it come to a wished for periode, I desire to take occasione to remimber your Ladyship that hithertills I haue bein mead a cypher as to all things concernd that family, which how it hes come is possibly better knouen to your Ladyship. And I desire not to charge any with unkindnes, yit hawing now wrott to some of the frinds that I may for the future haue this sattisfacione that by my adwice thos children may only be disposid of, sine to them I haue giuen such testimonie of my affectione. I hope, madame, in this particular yow will consent to admitt of the neirest frinds my lord and yow haue as one my wife and I, and will contribut all yow can with them for my sattisfacione : and as I can not doubt your Ladyship will giue this testimonie of your remimbranc of kyndnesis doune, soe I can not see how your interests and mine at any time shal be separate in the disposal of thos persons, if ue haue both befor ws ther personal wealfaire, and that of the family, which ar uncheangable in the heart of.

MADAME,

Your affectionatly humble serwant,

TWEIDDAILE.

For the Countess of Weims.<sup>1</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



He also wrote soon afterwards to Sir William Scott of Harden, expressing his dissatisfaction that he had hitherto been excluded from a share in the management of the affairs of the Countess of Buccleuch, and his anxiety about the disposal of her and her sister, as to which he plainly intimates a strong desire to be consulted:—

London, July 13, 1654.

HONNORID SIR,—I can ade littel to my former in relatione to bussines heir, beeing loath ether in my Lady Bucclewghts, or yours, to giue sudden and uncertaine ground of hope; bot finding now myself ingadgid in the affairs of that family, and yit much mor by my neir relations therto, I shal use freedome with yow that thought I haue bein a stranger hithertills to euery thing concerns it, yit sine that hous ought to be as dear to me as any in the wored, I desire not to mak my self one: and becaws the disposal of the young ladies is a matter of the greatest concernment, wherin no advise was askid, and that I haue my ouen apprehensions that it is hight time to consider therof anew: and I desire for the future yow uold not estrange from the family the nixt to it, bot study, in some measure, the satisfacione of thos whom onc yow had likways trust of from Walter Earel of Buccleught, and to whom yit yow haue tays of affectione, which will neuer fail one hir part, nor one the part of

Your affectionatly humble serwant,

TWEIDDAILE.

I did not know all your happines befor now that haue occasione of mor intimate acqwaintanc with your sone, and of him doe judge of the rest.

For Sir William Scott of Harden.<sup>1</sup>

The efforts which the Earl of Tweeddale made to gain adherents among the tutors, are described by Gideon Scott, who puts the worst construction on the motives of the Earl. "Few did suspect," he says, "at this time,<sup>2</sup> how strongly and secretly my Lord Tweeddale had insinuat with these men who professed so highly for the interest of the family of Buccleuch; nor could any

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> The time when the Earl of Tweeddale was appointed jointly with Gideon Scott by

the tutors of Countess Mary, to proceed to London for the remission or mitigation of her fine.



without breach of charity (at that time) suspect them; nor what was my Lord Tweeddale's design under covert of that employment, until it did appear afterward at London by his underground machinations, and his clandestine actings apart from Heychesters, who was joined in commission with him." "By these, and the like," he adds, "it did appear that he was insinuating with these in power to wrest the two young ladies out of their mother and tutors' custody, that they might be the more obnoxious to his disposal, or other designs: and for that effect was ingratiating with the Protector to have the power and disposal of the fines of these tutors who were fined (for his two special trustees, Clerkintown and Langshaw, were kept from being fined, which Mr. Deisborough, another of his complices, could as easily do as help his opposites to be fined), that he might thereby have them in his reverence, and either oppress them or mancipat them to his designs: all which was obviated by Heychesters and made known by him to the President of Oliver's Council and others, and to the tutors when he came home. Whereby my Lord Tweeddale's hopes seemed to be quite dashed at that time, until they were afterwards revived by the industry and sly practices of his secret friends and complices."

He makes a serious charge against Langshaw, the agent of the Countess, of cancelling, or at least suppressing the report given in at first by my Lord Tweeddale to the tutors, and receiving another, which was more favourable, privately from him, and subscribed by him instead of the former; which Langshaw produced to the tutors nearly two years thereafter, being required thereto by Highchester, "and thought to have come off so by swearing a great oath (though none required it of him nor did accept thereof), that it was the very same report which my Lord Tweeddale gave to the tutors and subscribed at first, the contraire whereof was attested by Heychesters, and proven by the testimonie of Sir William Scot, Sir Gilbert Elliot, Gorriuberrie, and Thirlestaine, and instruments taken thereupon by Heychesters in a publick notar's hand before witnesses."

"Another artifice which Clerkintown and Langshaw used for salving m[y]



[Lord] T[weeddale's] reputation was their dissembling friendship for Heychesters, in moving that he might not be further troubled with so long and tedious a journey and employment to the neglecting of his own affairs at home, wherewith Sir William Scott of Harden, his father, and himself were easily satisfied: notwithstanding that Heychesters had gotten applause in words even to excesse from these men, of his faithful and vigorous prosecuting of his trust, and that he was likeliest to follow out that businesse effectually, he having already made a good progresse therein; and their persuading the tutors to employ Mr. Warde, a stranger both to the family and their businesse, whom they thought their confident, Mr. Deisborough, could overawe."<sup>1</sup>

If there was any grievance here it was shared with the Earl of Tweeddale, who does not appear to have been employed by the tutors on the second occasion. Mr. Warde was chosen to represent them, as he was believed to possess much influence with the Government. The older tutors, Scotts-tarvit and Clerkington, probably suspected the motives of both the rivals.

Highchester, who continually lauds the purity of his own motives, and denounces the sinister designs of his opponents, was using every means to strengthen his own position. He had gained the support of the Countess of Wemyss, and an understanding was arrived at between them for the purpose of out-manceuvring the Earl of Tweeddale and the tutors who were opposed to their designs. After the meeting of the tutors already noticed, he sent, on 25th September 1654, a report of the proceedings to the Countess of Wemyss, expressing his belief that the Earl of Tweeddale was bent upon wresting the Countess of Buccleuch and her sister from the guardianship of the Countess. He insinuates that the Earl, to promote his designs, had induced Mr. Desborough to give credence to the report that the Countess intended to deliver her children into the hands of the enemies of the Commonwealth.

<sup>1</sup> "An Information of the condition of the familie of Buccleuch and the most remarkable occurrences therein, from the 14th of

June in the year 1650," by Sir Gideon Scott of Highchester.—Original in Lord Polwarth's Charter-room.



His representations are all calculated to increase and intensify the distrust which the Countess of Wemyss already bore to the Earl of Tweeddale, who, he warns her, is continually intriguing to gain the custody of the Countess Mary and her sister.<sup>1</sup>

There appears a continual apprehension on the part of the Countess of Wemyss and Highchester that the Earl of Tweeddale would succeed in getting control over the children. She writes to Highchester:—

Wemyss, 18 September (1654).

MUCH HONORED FRIEND,—It hes plesed the Lord to afflick me with sicknes that this awght days I was not able to goe out of my chamber, bot my distemper is litle truble to me in regaird of it self, bot not a litle in that it kieps me from being able to wat on yow all, now when we are lyk to hane so much to doe. The Lord God of counsell and wisdoom direct yow, for ther is no les aimed at then the ruin of my yung children, and the puting yow all that hes lawfull pour out of your stesion therin. Bot all my houpe is that the Lord, who knos your honost affection to thes young ons, uill preuent ther couetous auarrice which vell euer be the preyer of

Your trwly obliged affectionet seruant,

MARGARET LESLIE.

If ye can com on day to me when ye haue lesur, I wold say much I canot wret. Bot for my obligasions to yow I most be silent.

For my honored friend, Gidion Scot of Haychester.<sup>2</sup>

It was of the utmost importance for the triumph of Lady Wemyss and Highchester, that the children should remain in the power of the Countess of Wemyss and her relatives, and they resolved to invoke the interference of the Protector in their favour. The Earl of Wemyss proceeded to Loudou and presented a petition to Cromwell, from the Countess of Wemyss, praying that she might retain the custody of her daughters until they had attained the age of eleven or twelve years. The petition is as follows:—

<sup>1</sup> Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter in Lord Polwarth's Charter-room.



To his Highnes the Lord Protector of England, Scotland, and Ireland, etc.  
The humble Peticion of Margarett Countess of Wemyss.

SHEWETH,—That your petitioner hath beene made choice off by the tutors or trustees of her two daughters, heires to her late husband the Earle of Buccleuche, as the fittest person for theire education. Neverthelesse a strong endeavour hath beene made by the Earle of Tweiddaile, att a late meeteing of the said tutors att Edenburgh, to remoue them forthwith from her for the future, hee being none of that nomber, and that for certaine ends of his owne, his sonne being the next heire male to that ffamily. Your petitioner doth humbly conceiue that none on earth can be soe carefull to bring them vpp in the feare of the Lord and in all vertue then your petitioner. If it shall be otherwise ordayned, shee humbly leaues it to your Highnes to iudge what a heart breake it will be to her, they being tender and weakely children; and further, it being declared by the lawes of Scotland that the neerest of kynn is expressly prohibited from the trust of heires.

Her humble suite therefore is that your Highnes would be gratusly pleased to recomend by way of letters to the aforesaid tutors or trustees, to continue her with the said trust vntill her said daughters haue attayned the ages of 11 or 12 yeares, the eldest being already going on eight.

And shee will euer pray, etc.,



To this petition a favourable answer was returned by Cromwell in the following letter to Sir William Scott of Harden and the remanent tutors, recommending the same to their favourable consideration:—

White Hall, the 17th of November 1654.

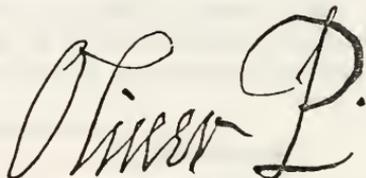
GENTLEMEN,—Having received the inclosed peticion from the Countesse of Wemyss concerning her two daughters, heires to her late husband the Earle of Buccleinghe, that the educacion of them may be intrusted and continued to her vntill they attayne vnto the age of eleaven or twelue yeares respectiuey, which seemes to vs to be very reasonable, her Ladyships relacion to those heires being

<sup>1</sup> Original Petition in Lord Polwarth's Charter-room.



such as none can be presumed to be more fitt and meete for that trust, nor that wilbe more carefull in the manngement thereof; and therefore we cannot but recomend the same to your consideracion, and rest

Your loving Freind,



For our loving freinds Sir William Scott of Harden, and the rest of the trustees and tutors of the heires of the late Earle of Bucklue—These.<sup>1</sup>

The recommendation by the Protector was laid before a meeting of the tutors on 6th June 1655 by the Countess of Wemyss, who was present. This meeting was arranged for the month of April, but was adjourned at the request of the Countess of Wemyss. A letter was also produced from the Earl of Rothes, her brother, expressing his regret that pressing affairs kept him in London, and prevented him from being present at the meeting: and thanking the tutors for their great respect to his sister, and for their care and fidelity to their trust of the Countess of Buccleuch's affairs, and wishing that for the continuance of her and her sister's good and well-being, their abode might be continued with their mother.

The tutors having considered these communications, decided unanimously that, considering the great motherly care and affection of the Countess of Wemyss to her daughters, and her former good carriage towards them in their breeding and education, and in respect of the continuance of their health and good condition, they should remain with her until the eldest should be at least ten years of age, and longer thereafter during the tutors' pleasure.

At the same meeting a letter was read from the Earl of Tweeddale, who was evidently chagrined at the failure of his projects to gain such influence over the action of the tutors as would further his own schemes.

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



Dumfermling, 4 June 1655.

HONNORID FRINDS,—Knowing how littel my pressenc with yow att this time could signify to the settling of the abode of the Countess of Buccleught, or the good of any the affairs of that family, and hawing sufficiently exonerid my self in that particular, I choose not to occasione unprofitable debait, beeing resolved to submitt in my judgment to wiser, and in my will to higher, pouers, and to desire that God wold direct yow, in the particular yow meet for, shal be the only part of

Your affectionatly humble Serwant,

TWEDDALE.

To his much honorid Sir William Scott of Hardeen and the rest of the trustees and tutors of the Countes of Buccleught.<sup>1</sup>

The account of these proceedings by Gideon Scott of Highchester may also be given, due allowance being made for his strong prejudice against the tutors.

“The tutors (considering the tenderness of the young ladies) were willing to have it so, having no reason then to doubt but their mother would be most tender of their welfare and health, and that in her custody they would be freest from the sinistrous attempts of any, but especially from him whose children were next airs of tailzie, who had made it his work to wrest the young ladies from their mother and tutors. Yet Clerkintoun and Langshaw did so uncessantly cajole old Sir William Scot of Harden (who had power over most of the other tutors) into a confidence of their honestie and integritie, that they prevailed with him (and consequently with the rest) that my Lady Weems’ trust of her children should be but only for one yeare, and said that they could easily and would renew that trust again yearly, which was done accordingly for one yeare; but afterwards it was found to be but a device of theirs for keeping the ladies unsettled as to their abode and custodie, untill they should be eleven or twelve years old (for at this time the one was about eight and the other about five years old), and untill my Lord Tweddail’s designs were ripe for snatching them from their friends and tutors, which was afterwards prevented (as ye shall heare) by setleing their abode with their mother untill they were twelve years of age compleate.”<sup>2</sup>

<sup>1</sup> Original Letter in Lord Polwarth’s Charter-room.

<sup>2</sup> Information by Sir Gideon Scott.



This is not a fair representation of what took place at the meeting. According to the entries in the Book of Sederunt, the tutors had on former occasions given permission for the custody of the children from year to year, renewing their consent annually. But at the meeting in June 1655, at which the letter of Cromwell was read, they decided unanimously that both children should remain with their mother until they were ten years of age, the Countess of Buccleuch being then scarcely eight, and her sister five. The entry for the 6th June 1655, at which meeting the Countess was present, is as follows :—

“After reading and consideration of all the letters and petition, and withall considering the Countes of Weymes her great motherly care and affection to her daughters, and former good cariage towards them in there breading and education ; and in respect of the continuation of their health and good condition, the tutors, according to the trust put upon them be the late Earl of Buccleuche's testament, and to my Lord Protector's recommendation be his letter for the education of the two young ladies, have all of one consent, and also with the approbation of the noblemen and friends present, does resolve that the two young ladies should yet still remaine and abyd with the Countesse of Weymes ther mother, whill they, at least whill the eldest be of the age of ten yeirs compleit, and longer thereafter during the tutors' pleasure and their trust.”<sup>1</sup>

An augmentation of the allowance to the Countess of Wemyss for the board and education of her daughters was also made at the same meeting.

Allusion has already been made to the gift to Lord Tweeddale by the tutors of the sum of £2647 Scots, being a remission of two years' interest of the principal sum which he was indebted to the late Earl of Buccleuch, as a recompense for his services in negotiating the reduction of the fine. This proceeding, which appears simple enough, has another signification to Gideon Scott. He sees in this transaction “a slie motion of Clerkintoun and Langshaw to old Sir William Scott and the rest, viz., that for peace and concord, and to oblige my Lord Tweeddale hereafter (which they said they were confident it would do), they would give him an honourable

<sup>1</sup> Sederunt-Book of the Tutors.



allowance for his having gone to London in the Lady's affaires, and to forget all that was past, which was easily condescended to by the tutors, they in charity judging that it might prove so. But the design of that motion was to gain that which they durst not require in plain language, viz., an effectual approbation of my Lord Tweddail's carriage in that employment, which the gratifying him for his pains and travell with a considerable sowm of money, and marking it under their hands in the sederunt, did clearly import: whilst in the meantime, although they loaded Heychester with specious words and applause for his fidelity and diligence, yet they never so much as offered him the expenses of his journey till a long time after, that some of their number put them to it, which Heychesters was not seeking, nor did value, nor accept of when offered, being unaccustomed to serv for hire.<sup>1</sup> Neither did Langshaw (who had the trust and the writing of all that was done and past by the tutors under their hands) so much as ever mark in their sederunts, or other papers unto which the tutors put their hands, anything that might in the least import that which they all spoke frequently and with open mouth, viz., that Heychesters had carried himself faithfully and dutifully in his imployment at London, untill about a yeare thereafter, that Heychesters perceiving their drift, did put them to it, and offered himself to their strictest examination in order to exoneration and approbation; and thereupon required their verdict under their hands, as to his diligence in that employment, which none of them could then refuse, unlesse they had discovered themselves too early: whereupon all the tutors (except Scotstarvett, who was then at London) did unanimously and in ample termes under their hands approve, exoner, and thank Heychesters for his care and fidelity in his said employment."<sup>2</sup>

<sup>1</sup> He certainly did receive payment for the expenses of his journey in 1654, and acknowledges in his report to the tutors that he had retained £65 sterling of the amount remitted to London. The agent of the Countess of Buccleuch was also instructed by the tutors

to pay him the sum of 1000 merks Scots in addition, but there is no evidence of his having received that sum. He was playing for a higher stake.—Sederunt Book of the Tutors, 21st December 1655.

<sup>2</sup> Information by Sir Gideon Scott.



Towards the end of the year 1655, Sir William Scott, elder of Harden, one of the three old tutors, two of whom were always to be of the five or quorum, died. Clerkingtoun and Langshaw had been intrusted with the custody of the charter-chests, and all the accounts of the tutors and other papers belonging to their discharge for their intromission and their trust and office of tutory. After the death of Sir William, these two tutors, says Gideon Scott, "gave cleare ground to suspect their sinistrous purposes, by drawing Scots-tarvett (the other of the two *sine quibus non* then in life) and Bavi-law to their faction, who all four had infest their children in their estates, whereby they were not so responsible for their malversation as the rest of the tutors, of whom none then had done the like." They also refused, when required by way of instrument, to intrust equally with the foresaid charter-chests, accounts, and other papers, Harden, Stobs, Highchester, Gorrinberrie, and Thirlestaine. This made the said five south country tutors, he adds, "suspect that the Lothian tutors intended to keep them in their reverence as to their discharge and exoneration of tutorie, and thereby to make them obsequious to whatsoever unwarrantable design the four Lothian tutors should contrive." Thus the nine tutors were divided, "the four Lothian tutors on the one partie, whereof the two *sine quibus non* were two, and the five south country tutors on the other, and neither partie could make a quorum."<sup>1</sup>

Highchester gained over to his support the whole of the south country tutors. Thus being divided into two equal parties, Gideon Scott was afraid that his purpose might be thwarted by the opposition of Scottstarvit and those of the Lothian tutors who supported him. He therefore decided on a bold stroke of policy. He induced the Countess of Wemyss to come over to Edinburgh to the next meeting of the tutors, and surprise the four Lothian tutors by demanding of the whole meeting the settlement of the custody of her two daughters, their pupils, with herself, until they were twelve years of age respectively.

The Countess of Wemyss acted on this suggestion, and made her demand

<sup>1</sup> Information by Sir Gideon Scott.



personally at the meeting of tutors held at Edinburgh on 13th August 1656. No opposition seems to have been offered by the tutors to this proposal. If any intention existed on the part of any of them, as alleged by Gideon Scott, to remove the Countess of Buccleuch and her sister from the custody of their mother, no signs of such intent are shown in the proceedings recorded. The tutors had been, from the time of the death of Earl Francis, reluctant to give up the absolute control over the young heiress to her mother, and had, as already related, renewed their consent annually to her continuance with the Countess of Wemyss, thus reserving power to interfere and alter the guardianship if that should become necessary. At a previous meeting the time had been extended till the children should reach the age of ten years. On the present occasion the tutors decided, "with one consent," to agree to the request of the Countess to retain the custody of the children until they reached the age of twelve years.

The following is the minute to which the tutors agreed on this point :—

"Edinburgh, 13th August 1656.—All the tutors present, the Countess of Weymes also personallie present, and the tutores taking into consideration the desyre of the Countess of Weymes, now present, that the tyme of the custodie of her childrein, the Countess of Buccleuch and her sister, Lady Anna, be yet further continewed with her Ladyship, the hail tutores, with one consent, have thought it most requisit that the said two young ladyes abyd in the custody of their mother, the Countess of Weymes, untill they be of the age of twelff yeires compleit respective ; and for severall weightie reasones moveing the tutores, they do hereby recommend the custodie of the said young ladyes, their pupils, untill they be of the age of twelf yeires respective, unto the said Countess of Weymes, ther mother, being confident that her Ladyship (as she hes hitherto done) will continow her speciall and tender care of the said young ladyes her daughteres, there persones and education, etc."<sup>1</sup>

Meanwhile Clerkington, another of the three *sine quibus non* tutors, died on the 22d December 1656. This event gave the majority to the party which supported Highchester. An alteration was made respecting the custody of

<sup>1</sup> Sederunt Book of the Tutors.



the charter-chests, which were appointed to be still kept in the Countess's chamber in Langshaw's house, where the tutors usually met. The accounts and other papers relating to the intromissions of the tutors were put into one of them, and the keys of the chests placed in the custody of Sir William Scott of Harden and Sir John Scott of Scottstarvit.<sup>1</sup>

The death of Clerkington left Scottstarvit the only remaining tutor of the three named in the testament of Earl Francis, of whom two were *sine quibus non*. He now claimed to be tutor *sine quo non*, and to have a negative vote in all the proceedings. To this claim the other tutors demurred, and the opinion of counsel was taken. Sir John Gilmour and four other lawyers consulted gave their opinion adverse to the claim of Scottstarvit, who, however, would not concur, and deserted the meetings of the tutors for some time.<sup>2</sup>

The Countess of Wemyss, on hearing of the misunderstanding that had arisen between Scottstarvit and the rest of the tutors of Countess Mary, her daughter, wrote to him a conciliatory letter. Shortly after she also wrote a letter to Gideon Scott informing him of this, and she beseeches him to beware of the designs of the Earl of Tweeddale:—

Wemyss, 6th Jana[ry] 1657.

HONORED SIR,—My Lord Scotstarvit wrets to me last day that he is going to quyt the tutorie, becaus he is not lyk to carie his doing of being still *sine quo non*. I haue ureton to him that I uish he may not be so onaduyssed as ather to quyt

<sup>1</sup> The Buccleuch Muniments have on more than one occasion narrowly escaped destruction. They were removed from Sheriffhall to Edinburgh on the marriage of the Countess-Dowager to the Earl of Wemyss, and were stored in a room hired for that purpose, from which they had to be hurriedly removed on two different occasions, on the occurrence of fires in Edinburgh which endangered their safety. Reference has already been made to their removal to the Bass in 1651. On the occasion of the insurrection in the west in 1666,

which ended in the battle of Rullion Green, near Edinburgh, and on account of the presence at that time of a Dutch squadron in Leith Roads, the Charter-chests were placed for safety in Edinburgh Castle. The Chamberlain Accounts contain disbursements for gratuities to the soldiers, and a sum of £15 sterling "for a piece of silver plate to my Lord Lyon, keeper of the castle, for their care and paines."

<sup>2</sup> Sederunts of the Tutors of Mary, Countess of Buccleuch.



that or pretend to mor then is the uill of the dead, uho put that trust on yow all. What he uill ansuer, or doe, I kno not, bot I am confident God nill direct yow to doe uhat ye intend uich is absolootly my childrens good. Sir, I hier the Laird of Grenhead is going for London, and I intret yow to desyr him to haue ane ey on Twadell and his desings, forr he is not ydell to our hurt if he haue pour, bot my confidence is in him who hes alredie disapoynted his malisious intensions against me and myn, and uho I houpe uill still doe so. My most humble seruice to your brother, and estiem mee your ury affectionet seruant,

MARGARET LESLIE.<sup>1</sup>

At last Scottstarvit, yielding to the desire of the Countess of Wemyss, passed from his claim of being tutor *sine quo non*; but in a letter written subsequently to the Countess he expresses regret at the course which he had taken at her request, as the removal of the check of his negative vote had given facilities for mismanagement of the Buccleuch estates:—

23d April 1658.

MADAME,—Albeit at your last desire after the death of Clarkintoune, I condescended, for peace amongst us, to let the controversie sleepe betwixt the tutors and me till the expiring of our pupill's tutorie, yet have since found that they have concluded amongst themselves to ingrosse her Ladiship's estate to themselves and friends without me; and hath at this last meeting made ther own brother, Braidhauche's sone-in-law, Chamberlaine of the Forest, and to sett him doune in hir house of Newarke, and given him the rent thereof fore his fie (which might have been well doune by Braidhauche's selfe, who hath neare ane hundreth pounds sterling in pensione and fie yearly).<sup>2</sup> I thought fit to acquaint your Ladishippe with ther proceedings that you may not be ignorant of the same, wich your Ladishippe would be pleased to consider of the particulars hereto subjoined with the reasons; and to take soume speedy recourse as may teind best to the advantage of your Ladiship's daughter, and to bear witness of my care of that estate when I am gone; for if ye had suffered me to have prosecuted my own right by law, and your Ladishippe had concurred with me therin, none of thir things would

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Scottstarvit protested, at the meeting of tutors, against the appointment of Harden's brother, but was overruled.



have fallen out, and any prejudice that comes to my pupill therby, I take God to witnesse that I am free of it. Expecting to hear your Ladiship's minde with the bearer, and wishing your Ladishippe and all your noble family, with my pupill and her sister, all happinesse,

I am,

MADAME,

Your humble servitour,

SCOTTISTARVETT.<sup>1</sup>

At this time Mr. George Hutcheson, minister of St. Giles', Edinburgh, who had been one of the Commissioners sent to Breda to negotiate with King Charles the Second, dedicated his "Exposition of the Gospel of John," printed in 1657, to Mary, Countess of Buccleuch, and her mother the Countess of Wemyss. The dedication sets forth that—

It hath been of old foreprophesied that in the perilous latter times there should be many murmurers and complainers (Jude ver. 16), who are seldom, if at all, satisfied with their lot and with the dispensations of God towards them, and that because (as is there added) they walk after their own lusts, and so cannot but quarrel what doth cross them in that woful course, and complain of their best and most useful enjoyments if they find not that satisfaction which they lust after in them, and we, in our times, have but too many sad experiences of distempers of this kind, evidencing the corrupt frame of our hearts, and our great distance from God occasioning these distempers. But right discerners will judge otherwise of the Lord's dealing; they will submit unto, and acknowledge mercy in what is profitable, though it be not pleasant, but grievous; they will read and acknowledge mercy in what they feel and suffer, when they consider how much more they deserve; and they will admire the mercies which are remembered and continued with them in the midst of wrath. Humility as it is a safe grace, and layeth a man low, beneath the violent blasts which shake the lofty cedars, so it is free of that unthankfulness wherewith pride is attended and plagued.

At considerable length the author describes the uses of adversity, and the consolations derived in our misfortunes by the practice of piety. He

<sup>1</sup> Copy of Letter in Lord Polwarth's Charter-room.



then bewails the prevalent hypocrisy of the time, that "since the profession of religion hath been in any reputation among us, how frequently do we find men make use of a pretence of piety to render their vilest errors plausible, yea, to carry on their selfish and carnal designs, whence it has come to pass that innocent and lovely holiness suffers for their sake," and is "so generally stumbled at through them." After further describing the scope of the work, he proceeds—

I have made bold to present it to the world under your honourable names, and to join you together in this dedication whom God hath conjoined in the strict bond of nature, which is daily confirmed by that mutual respect, tenderness, and affection, which you bear one towards the other.

It is not much my way, and I know your honours do not expect it, that I should stuff this application with large commendations of you, or with acknowledgments of your respects to myself, and your kindnesses towards others of my relations; my great scope in it is, so to encourage you in the good way wherein both your honours are engaged in your several measures, as to excite and engage you yet more to improve your eminency (as you are or may be capable of this service), for the advancement of Christ's interests in this backsliding and degenerate time; not that Christ needeth any such help, who by weak things can confound the mighty, and by things that are not bring to nought things that are, but that it is your own true honour and interest not to be among those nobles of Tekoa who put not their necks to the work of the Lord, but to subject yourselves unto Him, and lay out yourselves in your stations, for promoting His kingdom and the advancement of piety and the work of the gospel.

As for your honour, my Lady Weems, all the lovers of Christ in Scotland do with thankfulness remember their obligations to your late father, the right honourable Earl of Rothes, of precious memory, whom the Lord raised up to be a prime instrument in the late Reformation, and who spent himself, till his last breath, in that public service. And those who know your ladyship best will bear witness that you have endeavoured in your sphere, to trace his steps, not only in your private and secret practice, but in your open countenancing and encouraging of godliness and honest ministers of the gospel at all occasions; wherein I trust you shall be helped to persevere and abound unto the end. Your honour hath received many favours from the Lord, particularly that he hath made you a joyful



mother of children, who are (the Lord continuing their life, for which I pray) to succeed in several honourable families of the land, beside those of them who are, or may be placed in other families by marriage, which, I doubt not, you look upon as a strong obligation to lay forth yourself that they may prove friends to truth and piety in their station and generation; in subserviency whereunto I have presented this piece to your ladyship, as containing a brief hint at many of those precious truths which are necessary to salvation, and useful to be inculcated upon those who mind the way to heaven.

And for your honour, my Lady Buccleuch, albeit by reason of your young and tender years, many of those truths here presented may transcend your capacity for present, yet as your grave, prudent, and sweet disposition and behaviour, your opposition to profanity, and respect to the Sabbath-day, and your careful observance of such duties of religion as your tender age is capable of, do much refresh those who are concerned in you and converse with you (as being things not usual in so tender an age, especially in one who wants not sufficient baits of worldly advantages and contentments to divert you), and do give good ground of hope that, if the Lord continue you, you shall prove an ornament to your dignity and station; so it hath engaged me to prefix your name also to this piece as an incitement to you to proceed in that good course, and that your ladyship may have a help ready at hand, from whence, as you grow up, you may drink in that sound doctrine which is according to godliness.

Now that the Lord himself may bless you both, in all your relations and concernments, may continue you long together, may make you a blessing to each other, and may bless this and the like means unto you, for your furtherance in faith and godliness, till you come to your eternal rest, is the hearty prayer of

Your honours' obliged servant in the gospel,

GEORGE HUTCHESON.

As an encouragement to the author, and in acknowledgment of his dedication, the tutors of Countess Mary, on 30th November 1658, ordered payment to be made to him of 400 merks.

The policy of Gideon Scott of Highchester and the Countess of Wemyss, as to the custody of the two young ladies, had so far been successful. It now only remained for them to make use of the advantage gained by the custody of the Countess of Buccleuch being confided to her mother, until



she was of the legally marriageable age of twelve years. A number of designs were projected by various persons for her disposal in marriage. Of these the most formidable, and that which occasioned most fear to the Countess of Wemyss and Highchester, was the proposal to marry the Countess of Buccleuch to the son of the Earl of Tweeddale. According to the statement of Gideon Scott, the Earl was still intent in prosecuting this scheme, and had gained to his support three of the principal judges,—Brodie, Dalrymple, and Ker,—and also the chief legal adviser of the Countess, Sir John Gilmour, besides having secured in England the influence of General Lambert. His success was therefore not improbable, and Gideon Scott was much alarmed at the favourable prospects of Tweeddale.<sup>1</sup>

Highchester also alleges that Scottstarvit had a design to marry the Countess to his son, or one of his grandchildren, but that, being disappointed in that scheme, he proceeded to London, and representing himself as the tutor *sine quo non* having the disposal of the greatest heiress in Britain, he offered her to the son of Mr. Scott of Scottshall, in Kent. John Scott of Gorrinberrie is also said to have made overtures to the Countess of Wemyss to promote a marriage between his son and the Countess of Buccleuch.

A proposal was also made for a union between the Countess and Lord Kerr, son of the Earl of Lothian;<sup>2</sup> and the Earl of Rothes appears to have given some encouragement to a project for an alliance with one of the Howard family.

Mr. Robert Baillie mentions in one of his letters the expectation of a marriage between the Countess and the heir of the Earl of Eglinton. But

<sup>1</sup> The Earl of Wemyss, in a letter to Highchester, dated 3d June 1659, states that in the previous year Tweeddale had tried to persuade him to "befreind him in geting my Lady Buckleuch to his owin sone, and I sould cutt and carve in his estate to doe the same: yea he sould subscriyve ane blank to me for that favor." Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> A document dated 1658, in Lord Polwarth's Charter-room, designated "Ane aduyse of a freend to the Countesse of Lothiane," contains a number of suggestions in favour of a marriage between the Countess of Buccleuch and Robert Lord Kerr, afterwards Marquis of Lothian.



"the Earl of Eglinton's heir, the Master Montgomrie, convoying his father to London, runs away without any advyce, and maries a daughter of my Lord Dumfries, who is a broken man, when he was sure of my Lady Balclough's marriage, the greatest match in Brittain; this unexpected prank is worse to all his kinn than his death would have been."<sup>1</sup>

The Countess of Buccleuch was now eleven years of age, and in a few months the time allotted by the tutors for her continuance in the custody of her mother would elapse. In the meantime the intrigues of the Earl of Tweeddale might become successful, and the plan of the Countess of Wemyss and her friends be frustrated. They determined therefore by a bold stroke to anticipate the age at which the Countess might legally marry, and to hasten and complete the celebration of her marriage with Walter Scott, eldest son of Gideon Scott of Highchester, before she had completed the twelfth year of her age. Walter Scott was born on the 23d December 1644, and only in his fifteenth year. Their proceedings were conducted with the utmost secrecy, and concealed from the tutors who were not favourable until it was too late for any effective interference.<sup>2</sup>

The Earl of Wemyss wrote in his own name and that of the Countess, requesting Highchester's presence at the Wemyss with his eldest son. Highchester went first alone, and arranged that his son should be taken there on his way to the College of St. Andrews. The youth, who was then fourteen years of age, accordingly visited the Wemyss, and was detained

<sup>1</sup> Letter to Mr. Spang, written apparently in June 1658.—Baillie's Letters, vol. iii. p. 366. Highchester in his narrative states that Mr. Desborough sent a threatening message to Lady Wemyss "if she should dispose of her daughters to the enemies of the Commonwealth (meaning my Lord Montgomerie)." Desborough is said by Highchester to have attempted to gain the hand of the Countess for his own son.

<sup>2</sup> So well were the preparations concealed

from the opposing tutors, that, according to the statement of Highchester, Scott of Corrinberrie, one of these tutors, brought his own son to the Wemyss only two days before the marriage, in order to propose to the Countess of Wemyss a marriage between his son and the Countess Mary, "and when he saw the bridegroom and the tutors and friends, he went away impatient through shame and disappointment."—Information by Sir Gideon Scott.



there by the Countess of Wemyss three or four days. During that time, says Highchester, he gained the affection of the young Countess of Buccleuch, and the favour of her mother and all her relations.

A meeting was afterwards convened, consisting of the husband and relations of the Countess of Wemyss, the Scotts of Harden, and Highchester, and Sir Gilbert Elliot of Stobs, with Patriek Scott of Langshaw, and Laurence Scott of Bavelaw, two of the tutors, who having been induced to support the scheme, were now consulted as to its being carried into execution. It was decided that no time should be lost in proceeding with the marriage.

Mary, Countess of Buccleuch, around whom these various schemes were moving, was of a weakly constitution, and judging from the frequency of entries of payments made for surgeons, apothecaries, and consultations by physicians respecting her health, both immediately preceding the date of her marriage and soon afterwards, the state of her health at that time must have been critical. In December 1658, two months before the marriage, a payment of £200 sterling was made to the Countess of Wemyss to reimburse her for charges for "doctours, apothecaris, and chirurgeons" attending the Countess of Buccleuch, "who hath beine often subject to seiknes some yeires past, and having a runing sore in her arme yet under cure." Eighteen months after this the arm appears still uncured.<sup>1</sup>

No consideration for the young Countess seems to have influenced the promoters of the marriage, whose chief aim was to hurry on the ceremony before Scottstarvit and the remaining tutors became aware of their designs. In order that these might be accomplished with secrecy and despatch, the Earl of Wemyss and Sir Gilbert Elliot of Stobs demanded from the Presbytery of Kirkealdy a dispensation from the proclamation of public banns, the Presbyteries having power in urgent cases to dispense therewith. The Presbytery granted the demand, and ordered one of their number, Henry Wilkie, minister of Wemyss, the parish in which the Countess resided, to

<sup>1</sup> "Payed to phisitions and chirurgeons arme," £1018 Scots.—Buccleuch Chamberlain at a consultation anent curing the Countess Accounts, April 1660.



proceed forthwith to her residence and marry her to Walter Scott, son of Gideon Scott of Highchester. The Act of Presbytery is as follows:—

“Kirkcaldie, 9 February 1659.

“The whilk day the Right Honorable the Earle of Wemyes and Sir Gilbert Elliot of Stobbs, knight, desyring a warrand from the Presbitrie to Mr. Henry Wilkie, minister at Wemyes, or any other minister, to solemnize the mariage betuixt the right honorable lady, the Lady Mary Scott, Countes of Buccleuch, with the Right Honorable Walter Scott of Heychester, younger, without proclamation, becaus of some necessary exigence asserted by the said Earle of Wemyes and Sir Gilbert Elliot; and withhall having presented to the Presbitrie the principall contract of mariage subscrivved be themselfis and the pairties mainly concerned: Lykwayes alledging ane Act of the Generall Assemblie at Glasgow 1638, allowing Presbitries to grant warrand for mariage without proclamation in caice of necessary exigence. The Presbitrie considering the foirsaid desyr, contract, and Act of the Generall Assemblie, did unanimously agrie to give warrand, and be thir presents gives warrand to the said Mr. Henry Wilkie, or any other minister, to celebrat the said mariage without proclamatioun.”

MR. JOHNE MELDROME, Moderator.

MR. A. MILLER, Scrib to the Presbytrie of Kirkcaldie.<sup>1</sup>

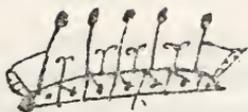
On the 9th of February 1659, the same day on which the dispensation was granted, the marriage of Mary, Countess of Buccleuch, and Walter Scott, younger of Highchester, afterwards created Earl of Tarras, was celebrated in the parish church of the Wemyss by Mr. Henry Wilkie, minister of the parish. There were present the Earl and Countess of Wemyss, the Earl of Rothes her brother, Lord Balgonie her son, Lord Melville her son-in-law, and the five tutors already named.

The contract of marriage is dated at Wester Wemyss, 9th February 1659. The contracting parties were Gideon Scott of Highchester, for himself, and taking the burden on him for his son Walter Scott, on the one part; and on

<sup>1</sup> Extract Act in Lord Polwarth's Charter-room. On a blank leaf in her Bible, Countess Mary wrote with her own hand the date February 9, 1659, being the date of her mar-

riage, and her signature and initials M. C. B., with the coronet for an Earl or Countess. The Bible is in Lord Polwarth's Library.





C.

M. B.

Feb: 9:

1859

Marie Buccleuch.



the other Mary, Countess of Buccleuch, with consent of the Countess of Wemyss her mother, and of David, Earl of Wemyss, the Earl of Rothes, Alexander Lord Balgonie, George Lord Melville, and the tutors previously named. The Countess of Buccleuch bound herself to make resignation of the honour, title, and dignity of the earldom of Buccleuch, and all her lands, lordships, etc., in favour of, and for new infestment to be made to Walter Scott, her husband, in liferent, of the honours and lands of the earldom, extending to the sum of £24,000 Scots, in liferent. In the event of Walter Scott surviving his wife, this sum was to be increased to £48,000 Scots annually. It was also provided, that in case the Countess predeceased her husband within a year and a day of the date of the contract, and without issue, he was to receive the sum of £120,000 Scots, to be paid to him within the space of three years after her decease. It was also expressly provided, that in the event of the Countess of Buccleuch and her sister Lady Anna Scott both dying without issue, a further sum of 28,000 merks yearly was to be paid to him by the heirs of tailzie. The contract further provided that in the event of the Countess of Buccleuch contracting a second marriage, and an heir-male being subsequently born, any daughters born of the first marriage should receive the sums specified in the contract as follows: If there was but one daughter, one hundred thousand merks was to be paid to her on reaching the age of fourteen years; if there were two daughters, to the eldest sixty thousand, and to the other daughter forty thousand merks; and if there were three or more, the eldest should receive forty thousand merks, and the remaining sixty thousand be equally divided between the others.

On the same day that the marriage-contract was signed, an agreement was entered into by the parties to the contract, by which it was provided that the Countess of Buccleuch and her husband should reside with the Earl and Countess of Wemyss until she reached the age of eighteen years. The amount to be paid for the maintenance of the Countess, her husband and servants, was sixteen thousand pounds Scots yearly. In addition to this, a



further sum of eight thousand pounds was to be paid to the Countess of Wemyss for the expenses of the contract and the marriage festivities.<sup>1</sup>

Scarcely had the celebration of the marriage become known, when the opposing tutors and the overseers appointed by Earl Francis took measures to procure its reduction and abrogation. A formal difficulty had first to be overcome. Under the Protectorate considerable changes had taken place in the civil and judicial administration of Scotland. The Commissary Judge was competent to decide as to the validity of the marriage, but there was at that time no judicatory in Scotland with powers to sequestrate married persons pending the decision of their case. These duties had formerly been performed by the Privy Council, which was now in abeyance. But this obstacle was removed by the Judges appointed by the Protector in Scotland assuming this power. Accordingly a summons for reduction of the marriage was, only a few days after its celebration, raised before the Commissaries at Edinburgh. The parties to it were Sir John Scott of Scottstarvit, Patrick Scott of Thirlstane, John Scott of Gorrinberrie, tutors to the Countess of Buccleuch and Lady Anna Scott, Gilbert Earl of Errol, John Earl of Mar, Alexander Earl of Eglinton, William Earl of Roxburgh, and John Earl of Tweeddale, overseers appointed by Francis, Earl of Buccleuch. The Earl of Tweeddale also appeared as the husband of Lady Jean Scott, Countess of Tweeddale, nearest of kin to the Countess of Buccleuch and her sister.

It was pleaded in favour of the reduction of the marriage that the Countess was a pupil and a minor little over eleven years of age, and that Walter Scott was under the age of fourteen; that she could not therefore contract or solemnise marriage. It was further alleged that the Countess had not given her free and deliberate consent, but had been allured and seduced thereto by her mother and Gideon Scott and the remanent tutors, their accomplices, who were nearly related to him, Sir William Scott of Harden being his brother, and Gilbert Elliot of Stobbs his cousin. Not having attained to years of discretion, and incapable of discerning what

<sup>1</sup> Original Contracts in Lord Polwarth's Charter-room.



tended to her own weal and honour, it is said that she had yielded to the blandishments and enticements of her advisers.

Measures were immediately taken by the promoters of the marriage to counteract these proceedings. A petition was presented by them to the Commissioners for Public Affairs, appointed by the Commonwealth for the administration of justice in Scotland, with the object of showing that the Countess of Buccleuch had, with the consent of her mother and five of the tutors, been solemnly married in face of the Church, conformably to the destination and will of her father, and to the tailzie of his dignity and estate. They asserted further that these proceedings for reduction had been taken at the instance of malicious persons, who were disappointed that their own designs for disposing of the Countess had been defeated. Especially was this the case, it was asserted, with the Earl of Tweeddale, who is charged with covetous designs upon her fortune, his children being the next heirs in succession, in the event of the decease of the Countess and her sister without issue. The petitioners concluded by supplicating the Commissioners to forbear granting any order or deliverance for putting restraint on the person of the Countess or her husband.

The petitioners having undertaken to bring the Countess to Edinburgh till the supplications were answered, the Commissioners thereupon, on 19th February, ordained the cause to be heard on the next Tuesday, the Countess in the meantime to be brought to Edinburgh without delay, and placed in custody of the Countess of Cassillis.<sup>1</sup>

Scottstarvit and the tutors and overseers who were acting with him made a further application to the Commissioners on 23d February for the sequestration of the Countess of Buccleuch, alleging that "be reason of the frailitie of her yeires and judgement she might still be subject and obnoxious to the sinistrous practices of her mother and tutors, and overawed be them to hold on in the samen course whereunto at first shee hes bein seduced be them, whereas if shee wer sequestrat from ther companie, and at her owne free-

<sup>1</sup> Copy of the Petition in Lord Polwarth's Charter-room.



dome, shee would quicklie be sensible of the ruin and dishonour which they, for their own ends, have precipitat her unto, and would frielie declare her own thoughts and intention, and by what menes she wes seduced or compellit to give any pretended consent to the comploted clandestine mariadge." Therefore they prayed the Commissioners that they would ordain her to be placed in the custody of the Countess of Mar or the Countess of Cassillis, both near relatives of the Countess of Buccleuch, or any other person of honour not interested in the cause.<sup>1</sup>

According to the orders of the Judges, the Countess was speedily brought to Edinburgh, and being privately interrogated by the Court, declared her own free choice of her husband, avowed the consummation of the marriage, and affirmed her resolution of adhering thereto. She was then placed in charge of Lady Lorne, whose brother-in-law, Lord Neil Campbell, second son of Archibald, Marquis of Argyll, was intended, it is alleged, for her husband, in the event of the reduction of the marriage. The Judges having sequestered the person of the Countess of Buccleuch, nominated five ladies, from whom the Countess of Wemyss and her abettors were to choose one in whose custody the Countess Mary was to be placed. These ladies were the Countess of Mar, Lady Alexander, the Countess of Kinnoull, sister-in-law of the Marquis of Argyll, Lady Kenmure his own sister, and Lady Lorne his daughter-in-law. This proposal was not, however, acceptable to the Countess of Wemyss and her friends, who desired that the Countess should be placed at Dalkeith in the custody of General Monck. To this request the Commissioners, after some hesitation, agreed, and ordained accordingly on 26th February, only a fortnight after the celebration of the marriage, that the Countess should remain with General Monck and his lady until the action of reduction was determined, or until she had attained the age of twelve years.

The exasperation of the Countess of Wemyss and Highchester at this decision was extreme. They decided that he should at once proceed to London, armed with a commission granted to him and the Earl of Wemyss,

<sup>1</sup> Double of the Petition by Scottstarvit and others in Lord Polwarth's Charter-room.



to which the signature of the Countess Mary had been obtained. He was to entreat the favour of the Protector, Richard Cromwell, and his Council, and justify to them the whole proceedings connected with the marriage. Fears of the success of Tweeddale in obtaining possession of the Lady Anna were still prominently shown by the Countess of Wemyss, and Highchester was desired to crave from the Protector a confirmation of her guardianship in the custody of her mother. He was enjoined by the Earl and Countess of Wemyss to spare no outlay of money in order to achieve these results.<sup>1</sup> Highchester accordingly presented to the Protector a petition, praying that as the Commissary Court at Edinburgh, which was the only competent authority to decide the process, was at that time reduced to a much less number than was suitable or conform to the original institution, and as the present Commissioners, considering the importance of the cause, had appealed to the Supreme Court of Justice to appoint assessors to assist them therein, that therefore his Highness would appoint as assessors General Monck and Judge Moseley. It was further desired that during the dependence of the cause, and also in the event of the marriage being annulled, the custody of the Countess Mary should remain with General Monck until she was of the age of twelve years, and so could legally ratify her consent to the marriage. The renewal of an order was also desired for the guardianship of the Lady Anna Scott, that she might be secured from "the masked and subtle designs" of the Earl of Tweeddale and his accomplices, the Countess of Wemyss offering to find caution that she should not be disposed of in marriage until of the age of twelve years complete.<sup>2</sup>

The sequestration of the Countess of Buccleuch having been ordained, the anxiety of the Countess of Wemyss to have her daughter placed in the custody of Monck, and to have him appointed assessor, is explained by sub-

<sup>1</sup> The amount of money disbursed by Highchester during his stay in London on that occasion was £30,000 Scots.—Original Commission, Abstract of Letters written by and

to Gideon Scott, and Note of Disbursements, in Lord Polwarth's Charter-room.

<sup>2</sup> Certified copy of Petition, etc., in Lord Polwarth's Charter-room.



sequent events. Lady Wemyss acted as the medium of communication between Monck and the party who were concerting measures for the Restoration of King Charles the Second, and would consequently have considerable influence with the General, which she would no doubt use to further her interests.

Meanwhile the opponents of the marriage were not idle. The three opposing tutors, Scottstarvit, Gorrinberrie, and Thirlestane, and the Earl of Tweeddale, also presented a petition to the Protector, in reference to the guardianship of the Lady Anna Scott. The Countess of Wemyss, it was alleged, had betrayed her trust by bestowing the Countess Mary in marriage on a person of quality and condition by no means suitable, without the knowledge and consent of the tutors and overseers and friends of the family. On that ground it was apprehended that their pupil, the Lady Anna, could not remain in security in the house of the Earl and Countess of Wemyss, nor without hazard of the like practice. It was, therefore, desired that his Highness would recommend to the Council and Judges in Scotland to order the removal of the Lady Anna from the custody of her mother, the Countess of Wemyss.<sup>1</sup>

Both of these petitions were referred to a Committee of Council. But while they were still under consideration Richard Cromwell resigned, and Gideon Scott presented another petition, in similar terms, to the Parliament of the Commonwealth, setting forth that Tweeddale, taking advantage of the present posture of affairs, was pressing for a decision on the ground that the Reference to the Committee of Council was null in consequence of the resignation of the Protector.

Further to promote the reduction of the marriage, Sir John Scott of Scottstarvit brought a complaint against the Presbytery of Kirkcaldy before the provincial Synod of Fife, for their action in dispensing with the proclamation of banns. He was there present, and moved the Synod to censure the Presbytery. But after discussion the Synod declared that the Presby-

<sup>1</sup> Certified Copy of Petition in Lord Polwarth's Charter-room.



tery had done nothing contrary to any known Act of the Church. The proceedings threatened at one stage to take an alarming form, "for this busines was vigorously pressed in the Assemblie by the Lord Scotstaruet, and defended by the Earl of Weyms, who, in feace of the Assemblie said as mutch as appealed the said Scotstaruet to a combatt; for the said Scotstaruet speaking of the house of Harden, said if the lady had married his sonne or his oye (grandson) ther had beine no staine vpon hir: Bot Weyms took this so highly, that he said to him, that if he had not a respect to those his gray hares, he sould make him make that good before he sleiped; bot the moderator commanded them both silence."<sup>1</sup>

The deliverance of the Synod was in the following terms:—

St. Andrewes, 7 April 1659.

The Provinciall Assemblie of Fiffe, having considered the bill and petition of Sir John Scott of Scottistarvett against the Presbitrie of Kirkcaldie, for their dispensing the proclamation of the banns of the marriage of the Right Honourable Walter Scott of Haychester, younger, with the noble lady, Mary, Countes of Buccleuch; as also the answer of the Presbitrie of Kirkcaldie to the said petition, did put to voting whither a present answer should be given to the premises according to the tenor of the foresaid petition or not: Whereupon the Assemblie determined to give a present answer, and accordinglie did conclude that they found no ground to blame the Presbitrie of Kirkcaldie for what they had done in the forsaid mater, as contrarie to any known Act of this Kirk.

ROBERT BLAIR, Moderator.

MR. A. RAITT, Clerke to that Meitting.<sup>2</sup>

The Act of Assembly of 1638, on which the Presbytery of Kirkcaldy professed to act, is as follows:—"Anent mariage without proclamation of baus,

<sup>1</sup> Diary of Mr. John Lamont of Newton, p. 114. Scottstarvit also presented a petition to the Presbytery of Edinburgh, requesting them to give an opinion on the case, but they declined to pass judgment on a process

then before the Civil Courts. Extract of Presbytery Records, 23d March 1659, in Lord Polwarth's Charter-room.

<sup>2</sup> Extract of Proceedings in Lord Polwarth's Charter-room.



which being in use those years bygone hath produced many dangerous effects: The Assembly would discharge the same, conforme to the former Acts, except the Presbyterie in some necessarie exigents dispense therewith."<sup>1</sup>

Taken by itself, this Act would seem to give the Presbytery general powers of dispensation. But it was only meant to take effect if the intended marriage were otherwise legal. An Act of the Assembly of 1600 expressly forbids the celebration of marriages such as that for which the Synod could find "no ground to blame the Presbytery" for dispensing with the ordinary form, alleging that their procedure was not "contrary to any known Act of this Kirk." The Act of 1600, passed purposely to prevent such cases of "untymous marriage of young and tender persones before they come to age meit for marriage," ordains "that no minister within this realme presume to joyne in matrimonie any persones in tyme comeing, except the man be of fourteen yeares and the woman of twelve yeares at the leist."<sup>2</sup> The Presbytery, therefore, dispensed with proclamation, in order to allow the minister of Wemyss to perform an illegal act, expressly forbidden by the law of the Church. They had no dispensing power in the case of minors, and the celebration of the marriage being directly against the Church law, it is very remarkable that the Synod found "no ground to blame the Presbytery" for their action in the matter. That the minister of Wemyss and the Presbytery of Kirkcaldy should be influenced by the powerful houses of Rothes and Wemyss is perhaps not surprising, but it is a lamentable fact that a provincial Synod should have been so subservient as to declare an approval of their action. At a future time when the Earl of Rothes deemed it his interest to join the opposing tutors, he found many of the clergy of Fife and elsewhere equally pliable. Highchester, who would not willingly vilify his own party, remarks that when it became "apparent enough to men of understanding how the commissare would determine in the businesse if he had not been marred by the change of the Government, his [Rothes'] greatest

<sup>1</sup> Acts of the General Assembly of the Church of Scotland, 1638, sec. xxi.

<sup>2</sup> Booke of the Universal Kirk<sup>e</sup>, p. 481.



confidants such as Mr. Sharpe (at London),<sup>1</sup> and others in the Synod of Fyfe and elsewhere in Scotland, whom he was supposed to have most power over, were going crosse to the marriage."<sup>2</sup>

The influence of the covenanting clergy was also brought to bear on the case in another form. Highchester, who was Sheriff of Roxburghshire, induced a number of ministers in the south to address a letter, signed by sixteen of them, to Mr. Luke Ogle, minister at Berwick, who was proceeding to London on some business connected with the Church, desiring him to exert himself while there to frustrate the attempts to reduce the marriage. Referring to the marriage they say of Gideon Scott of Highchester that—

“The Lord hath cast in his lap, without his procurement (we are confident to say it) the maryage of the Countesse of Buckcleuch to his eldest sonne, wherin her mother, the now Countess of Weems, a godlie and judicious lady did indeed for weighty reasons anticipate by four or five moneths the ordinary time of young women’s mariage, and did conceale the same from some few of the tutors and freinds, who had made it evident that they had designed that morsell for their owne mouths, but following the direction of her deceased Lord, and the advice of a greater part and a quorum of the tutors, and other honourable freinds, did make choise of the most faithfull and deservedly honoured family of the name of Scott in this land. But we doe not weigh thes things, neither is it to us of any moment who enjoy those outward things that are accompted great in this world; but when we consider that this gentleman and his brother Sir William have been among the chief countenancers and promovers of piety in this part of the land, upon which accompt the opposition made by some for their private interest and disappointment, doth to our certaine knowledge receive accession and strenth from the bulk of a disaffected party, both ministers, by whose industrious insinuations even some good men, wanting sufficient information, have received noe good impression of the businesse; remembering also there are toward 20 or 24 churches, most of them in this province where we live, in the planting whereof the Earle of Buccleuch will have a great interest, by all which we find those of our acquaintance who are trouly religious doe much lay to heart the success of that maryage. We are therefore pressed to intreat you, sir, if you have acquaintance with any of the Parliament or Councill of State, that you would use your

<sup>1</sup> Afterwards Archbishop Sharpe.

<sup>2</sup> Information by Sir Gideon Scott.



utmost endeavour, that not onely noething be done in prejudice of the maryiage, but that the custody and bestowing of the younger lady be not taken from her mother, or given as a reward to them who have gone about to disgrace, and may labor to make her an engine for ruine of her elder sister."<sup>1</sup>

It appears from this letter that there were a few "good men" who had "received noe good impression of the businesse." It is probably one of these to whom the Countess of Wemyss refers when she writes to Highchester. "I regrait I writ to Mr. Gillespie, since his overture is the hight of injustice and Twaddail's onley designe."<sup>2</sup>

The Commissary, Sir John Nisbet of Dirleton, the famous lawyer, at length, on 20th April, pronounced an interlocutor sustaining the plea of the pursuers, that the Countess of Buccleuch was a pupil within the age of twelve years, as relevant to reduce the marriage and make it void in law. On that ground he therefore dissolved the marriage. This decision greatly incensed the Countess of Wemyss and her friends, and they at once decided to appeal against it. Her indignation at the judgment of the Commissary was so extreme that she expresses her desire to Highchester, "if it be in our power, we ought to studie to get him put out of his place. He is a malicious knave. I am not in patience when I speak or writ of him."<sup>3</sup> The Commissary is charged with partiality by the party of the Countess, he having, they alleged, placed difficulties in the way of the appeal, and adjourned his Court for that purpose. Not much weight can be placed in these charges, as both parties were doing their utmost to bring such influence to bear on the Judges as would altogether prevent any impartial judgment.<sup>4</sup>

Whilst these proceedings were still unsettled, the Protectorate of Richard Cromwell had come to an end, and the change in the Government raised

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Abstract of Letters by and to Sir Gideon Scott, in Lord Polwarth's Charter-room.

<sup>3</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>4</sup> A Letter to Highchester, dated 11th June, suggests that "it was not thought expedient to speak to Comissar Nisbet about your offering him a bryb, in regard his wife was dying."  
— Abstract of Letters to Sir Gideon Scott.



doubts as to the authority of the Court. The appeal from the decision of the Commissary to the Parliament of the Commonwealth, which is dated 20th May 1659, states as one of the grounds of appeal that an Act of Parliament of 11th May had nullified the jurisdiction of the judges, and ordained that all processes should from that date be in the name of the "Keepers of the Liberty of England." The Countess of Wemyss is enabled to report on 9th June, "I am glad that the unjust Judges are like not to sit, and that we are reed of the Commissar, whose knavery many iudifferent persons did perceave." The death of the Commissary's wife about this time is looked on by the Countess in the light of a judgment on him for his conduct. She writes to Gideon Scott, "The Lord continue your expectation of successe, and cause men befreind our just cause. Commissar Nisbet's mariage, by the death of his wife, was dissolved that same week he promised to dissolve my daughter's, and he is lyke to lose his wits for sorrow. This I could not bot observe."<sup>1</sup> The death of Lady Nisbett is also noticed by Gideon Scott as "a remarkable providence."<sup>2</sup>

Attempts were made by the Marquis of Argyll, Warristoun, and others to effect an amicable arrangement between the Countess of Wemyss and the Earl of Tweeddale. Overtures were made to Highchester for a marriage between the son of the Earl and Lady Anna Scott. Provided that were granted, they offered to secure the interest of Highchester's son as he prescribed. But to this proposal the Countess of Wemyss was wholly opposed. She writes to Highchester—"We can doe noe more bot appeall, and it's like it will be remitted back to the Judges again; but this is the onely mean. For agreement with Twaddaill, I know it is Argyll, Wariston, and Swinton who contrys that designe, but treuly I doe not see wherein ye can make any form of agreement with him for what concerns my daughter. But the worst is done already. And, for her sister, I think Twaiddail's interest in her is none at all, nor never shall, soe far as I can have power; and for any other mean of agreement it must be the monie which he owes my daughter." In that case the Countess will show no favour "to that ungrait, false man, who

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

<sup>2</sup> Information by Sir Gideon Scott.



hes put so manie taskes on her and her relations, and occasioned her name to be the discourse of many thousands."<sup>1</sup>

Whilst it still remained doubtful if a final decision on the case would be given by the Court, the Earl of Rothes, who was supposed to be a staunch friend of the Countess of Wemyss and Highchester, was taking measures to secure himself in either case of success or failure. He was found to have been tampering with the Earl of Tweeddale, assisted therein by Patrick Scott of Langshaw, one of the tutors who was considered as a friend of the Countess.

In the Memoir of Earl Francis, it has been related that certain lands were disposed of which had occasioned his ward and marriage to fall into the hands of the Crown. The tutors were fully persuaded that the ward and marriage of no heir succeeding could thenceforth fall to the Crown. The question was, however, again raised after the marriage of the Countess Mary, when, according to the statement of Gideon Scott, Sir John Scott of Scottstarvit moved General Monck to petition the Protector for the gift. This he refused to do. But to provide against this contingency, Highchester, who was then in London, made a request to Richard Cromwell for the gift of the ward and marriage to Sir Peter Killigray, with whom an arrangement was made to compound for the gift on condition of his being paid the sum of £1500 sterling. The retirement of Richard Cromwell from the Protectorate prevented this scheme from completion.<sup>2</sup>

It is a relief to turn from these intrigues to the conduct of the young Countess herself. However reprehensible the proceedings of her relations had been, there does not appear to have been any coercion of her inclinations. On the contrary, the young child-wife evinces a warm attachment to her husband. Soon after their separation she sent to him from Dalkeith a ring "beset with diamonds, with this reason (motto), 'NO LOVE SO TRUE AS MINE TO YOU.'" The Countess Mary inherited from her father Earl Francis, his amiable and affectionate disposition. A considerable number of letters, written with her own hand to her husband during the time of

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

<sup>2</sup> Information by Sir Gideon Scott.



her sequestration at the Castle of Dalkeith, are preserved in the Charter-room of Lord Polwarth. They are interesting as the productions of a wife who had not completed her twelfth year, and in this respect they are probably unique. They are addressed to the "Earl of Buccleuch," as it was then supposed that a commoner on his marriage with a Peeress in her own right became entitled to her dignity by the courtesy. That was the ancient law as regards territorial dignities. But courtesy in personal Peerages had ceased before the reign of King Charles the Second, who did not acknowledge the right of courtesy in Dignities. He created Walter Scott Earl of Tarras for life.

It will be observed that the letters of the young Countess of Buccleuch to her husband are very brief, and generally without dates. The seal used on many of the letters had been engraved for the occasion. It bears, on a heart surmounted by a coronet, two roses on a single stem over two hands clasped, and encircled by the motto, "THVS CROVND WE FLOORISH." An engraving of the seal is annexed hereto.



On the same day that the order for her sequestration was passed, the 26th February 1659, the Countess wrote to her husband from Edinburgh:—

Edin[burgh], 26 Feb.

DEIR HEART,—I am in ivery good health and sell be most glead always to hier the sam from yow. Be asoored all the aloorments in the world sell neuer cheng me from being

Your most affectionet

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

During the separation from her husband, the following letters were written by her to him:—

[No date.]

MY DEIR HART,—I can let no opportunity slip without showing you that I am well. I intreat you heast my lady my mother, to

Your affectionat

For the Erle of Buccleuche.

MARIE BUCCLEUCHE.



[No date.]

MY DEIR HART,—It is much ioy to me that I am to sie you the nixt uiek, for, belieue it, I am onchensably

Your most affectionet

MARIE BUCCLEUCHE.

I haue reseued two letters from yow, and this is the thrid I haue uren to yow. My mother is your servant. Present my seruice to my sisters and bilies.

For the Earle of Buccleuche.

Dakith, March 13.

MY DEAR HEART,—I am uerie glade to heir that you came so safe to the Weemys. Be chearfull, and do not ualue the malis of our enemies, for I shal euer be

Your affectionat

MARIE BUCCLEUCHE.

For the Erle of Buccleuche.

[No date.]

MY DEAR HART,—I haue bee longing to writ to you my self, which I wold not neglect so often wer it not you desire me to for fear least it troubles my arme. I bles the Lord I am uere weel, and sal euer be

Your affectionat

MARIE BUCCLEUCH.

Dear heart, it is my desayer that ye wold tak Williom Morou to be your groom, and sho my lady my mothor that it is your desayr and mine. I shall ansueyr for his cairage my selef, for if hie do not carie right hie is content to be pot awa.

For the Earle of Buccleuch.

[No date.]

MY DEARIR HART,—I can not but continu to lat you knou that I am wiell, siuc I think no news will be mor acceptable to you. I shal haue a caire of my halth as you desire, and I hope you will haue a cair of your self.—I am,

Your affectionat

MARIE BUCCLEUCHE.

Let non sie thes leter.

For the Erle of Buccleuche.



[No date.]

MY DAIREST HEART,—I am glade to hear that you are weel, and al my frends with you. I bles the Lord I am viery weel my self, and I hope my arme is mending. I wish thursdey may be a good day, that I may se you, which will giue much content to

Your affectionat

MARIE BUCCLEUCH.

For the Erle of Buccleuche—thes.<sup>1</sup>

[No date.]

DEAR HEART,—This is to let you know that we are al well heer, and that I am stil

Your affectionat

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

[No date.]

MY DEAIR HEART,—I am uerie will, and shal be the mor chearfull that you are so, for nothing can so much mak glad the heart of

Your affectionat

MARIE BUCCLEUCHE.

[P.S.]

My Lord, I hop your lordship will pardon me for not writing to you, bot I shall writ the nikes tem.—I am, my Lord, your lordship's affecnot cousing and humbell seruant,

MARIE MONTGOMRIE.

For the Earle of Buccleuche.<sup>2</sup>

<sup>1</sup> Her husband was permitted by General Monck to visit the Countess frequently. On one of these occasions the Countess of Wemyss writes to Highhester:—"Your son made his visit this day, and carried himself to my mind."

<sup>2</sup> Lady Mary Montgomerie, who writes the postscript, was the daughter of Hugh, seventh

Earl of Eglinton, and Lady Mary Leslie, and was cousin-german of the Countess of Buccleuch. A legacy of £10,000 Scots was left to her by the Countess, but the will containing the gift was set aside by a subsequent testament more favourable to the Earls of Rothes and Wemyss, in which the legacy to Lady Mary Montgomerie does not appear.



[No date.]

MY DEIR HART,—I know your coming will be no longr delayed then a bout the middle of the next week, which will be great content.

Your affectionat,

MARIE BUCCLEUCHE.

For the Erele of Buccleuche.

[No date.]

MY DEAREST HART,—I am uerie glade I shal be so happie as to sie you the nixt week, and tho I be sorie to want my lady my mothers companie so long. yet to sie you both together will much reioyse the hart of

Your affectionat

MARIE BUCCLEUCHE.

My woman presumes to remember hir blissing to you.

For the Erle of Buccleuche—Thes.

[No date.]

MY DEAIR HART,—I am to sie you in so short a tym that I will say no mor bot that I am

Your afecionet

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

[No date.]

MY DEAREST HART,—I am glad to heair that ye are will, and that ye had such good paseag ouer. I am verie will, I bles the Lord,<sup>1</sup> and to be with you is much longed for by

Your afecionat

MARIE BUCCLEUCHE.

For the Earle of Buccleuche—Thes.

[No date.]

MY DEIR HART,—I am uery will and much the beter of my phisik. I shal uish ye may also tak sum, and the ducter sell be snt our to yow.

Your affectionet

MARIE BUCCLEUCHE.

For the Erle of Buccleuche.

<sup>1</sup> The words, "I bles the Lord," are interlined by the Countess of Wemyss; the remainder of the letter is holograph of the Countess Mary.



my dearest heart

I am verie glad I shall be so  
happy as to see <sup>you</sup> the next week  
and tho I be sorie to want my lady  
my mothers company so long  
yet to see you both together will  
much rejoice the heart of

your affectionate

Mary Bwookewick

my woman programs to remember  
how happy you



for  
the City of  
Brockton  
Mass



[No date.]

MY DEARIST HEART,—I am varie gled to hier that ye ar will. It dos ad much satisfaction to me. I will intret you to be merie, for I hop the tem is nier nou when I shall sie you eurie day.—I am,

Your affecnot wief tell deth,

MARIE BUCCLEUCHE.

For the Erall of Buccleuche.<sup>1</sup>

When Highchester was occupied in London with the affairs of the Countess, she wrote to his wife :—

Dalkith, June 10, 1659.

MISTRES,—I haue sent thes berer that therby I may haue the satisfaction to knou hou ye ar. I intret ye may not think tou long for your hosband retourn since hes being ther does the gretest fauor to me that I can reseue, who shall euer be relie to apron my self

Your affectionat daughter and seruant,

MARIE BUCCLEUCHE.

I disyr my loue may be presented to all your cheldren.

For my honoured lady the Lady Haychesters.

Shortly before the term of her sequestration had elapsed, the Countess Mary wrote to her mother-in-law :—

Dalkith, 17 Aug<sup>t</sup> (1659).

MISTRES,—Thes leter cam from your hosband yester night bay the post, and I am gled aneay ocasion that I may knou hou ye ar, which I desayer you will caus ane other geue me en acount of lest it trubll your self. Present my loue to all your cheldern, and estiem me euer

Your affecneot daughter and humbll seruant,

MARIE BUCCLEUCHE.

My lady my mother remembers her serues to you.

For my honoured lady the Lady Haychisters.

<sup>1</sup> This letter is written and signed in another handwriting, apparently that of her cousin Lady Mary Montgomerie. The letter was probably written near the end of the term of the sequestration of Countess Mary.



The affection of the Countess Mary for her younger sister, and her fears lest the proceedings of those acting contrary to her might result in a separation of the sisters, are expressed in a letter to Highchester, dated 14th June 1659, in which she writes—"As ye have been at much pains for me since your going from this, so am I very afraid ye must be still at more for my dear little sister, who our adversaries would have taken from her mother and me. And I intreat you not to weary in doing me and the family ye have soe near relation to so good service; for if my sister were taken from us, I doe think she were lost, it would break her spirit. Your sone is well, and I hop ye will belive that nothing in my power shall be wanting to declaire with what sinceritie I am your very affectionat daughter and servant."<sup>1</sup>

The dislike which the Countess of Wemyss bore to the family of Tweeddale was shared by her daughter, in whom she had succeeded in impressing an unfavourable opinion of the Earl and Countess of Tweeddale. Writing to Highchester in March 1659, while the Countess Mary was residing at Dalkeith Castle, the Countess of Wemyss informs him that "the Countesse of Tweeddaill visited the Countess of Buccleuch, who were verie sharpe one to another."<sup>2</sup>

During the stay of the Countess of Buccleuch at Dalkeith, the malady in her arm still remained uncured. The Countess of Wemyss expresses her hopes in June 1659 that her daughter was progressing so favourably she would in two months be perfectly well. About the same date she states that one Doctor Borthwick had undertaken the cure for £100. The Countess Mary was intrusted to his care, but his unskilful treatment had a very alarming result. He had given orders that a plaster which he had applied should not be removed, notwithstanding any pain which the Countess might suffer. The nurse followed his directions, but the pain during the night becoming intolerable, General Monck was aroused, who immediately caused the removal of the plaster, and on observing the effect it had produced, was indignant at the conduct of the surgeon in prescribing such treatment. The

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

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



Countess of Wemyss and her advisers resolved to cause an inquiry to be made so soon as the judicatories were established, but no further action seems to have been taken in the affair.

The period of the sequestration of the Countess of Buccleuch ordained by the Commissioners elapsed on the 31st August 1659, on which day she attained her twelfth year. Measures were at once taken to ratify the marriage. On the 2d September the Countess and her husband met at Leith in presence of General Monck and others, when they solemnly declared their adherence to the marriage, and subscribed a declaration to that effect as follows :—

We, Marie, Countess of Buccleuch, and Walter Scott, now off Buccleuch, my husband, both with one consent, be thir presents declair that of our owne full. frie, deliberat will and consent, vpon the nynth of Feberuary last bypast, in this instant yeir of God j<sup>m</sup>vi<sup>c</sup> fiftie nyn yeirs, we were solemnly in face of holy church and compleitly maried with the countenance and consent off many of our freinds: which mariage we (being now past pupullarity, and vnquestionably of perfyte and mariagable age) per verba de presenti doe againe by a full, frie, voluntare, and deliberat consent ratifie, renew, and aprove, with all the promises and conjugall oblishments then made in face of holy church; and for the mair securitie we ar content, and consents that thir presentts be registrat in the Books of Sessioun or Court of Justice, and in the Commissar Court Bookes of Elinburgh, Shirreff Court Books theroff, or in the bookes of quhatsomever wther ordinary judicatory within this natioun for the tyme, therin to remaine for preservation, and for registratting heiroll constitutes

our procurators. In witness quhairoff we

have swbscryvit thir presentts with our hands (wrettine be Lawrence Malcolme, servitor to the Earle of Wemyss) at Leith, the second day of September j<sup>m</sup>vi<sup>c</sup> fyftie nyn years, befor thir witness David Earle of Weymes, Sir James Murray of Skirling, William Scott of Heidshaw, William Scott, yownger of Tushillaw.

Wemyss, wittnes.

MARIE BUCCLEUCHE.

William Scott, wittnes.

WALTER SCOTT of Buccleuche.<sup>1</sup>

J. Murray, witnes.

No sooner had the marriage of the Countess Mary been ratified than the

<sup>1</sup> Original Declaration in Lord Polwarth's Charter-room.



Countess of Wemyss, always suspicious of the designs of the Earl of Tweeddale, took measures to secure the custody of the Lady Anna Scott. For this purpose a commission was granted to Gideon Scott of Highchester in September 1659, giving him full power to present petitions in the name of the Countess of Buccleuch to the Parliament of the Commonwealth, the Council of State, or any other Court or competent jurisdiction, for securing her person in the custody of the Countess of Wemyss, failing whom by decease, in the custody of her sister, the Countess of Buccleuch. He was also empowered to take such measures as he should think fit to counteract the schemes of their opponents, and protect the persons, dignities, and estates of the Countess and Lady Anna Scott. The commission was signed by the Countess of Buccleuch, Walter Scott of Buccleuch her husband, William Scott of Harden, Gilbert Elliot, the Earls of Rothes and Wemyss, and Lords Balgonie and Melville.<sup>1</sup>

The Earl of Rothes, while professedly supporting the aims of his sister the Countess of Wemyss, had at the same time a secret understanding with the Earl of Tweeddale. When General Monck marched with his army into England in 1660, it was thought possible that a conflict might ensue between him and General Lambert. According to the statement of Gideon Scott, Rothes had arranged to support Monck, while Tweeddale appeared as a partisan of Lambert, so that in the event of the defeat of either party, one of them would be on the winning side and extricate the other. As a matter of fact, both Earls were in high favour with King Charles the Second after the Restoration. Highchester soon discovered that Rothes, while professing friendship, was working secretly against his interest, and originating reports prejudicial to him with General Monck and others in authority. Rothes will be found hereafter sacrificing the interests not of Highchester only, but of his own sister the Countess of Wemyss.

When Monck in the beginning of the year 1660 marched towards London, and thereafter declared in favour of the Restoration, the Countess of Wemyss was sanguine of obtaining the success of her aims. Whilst Monck resided

<sup>1</sup> Original Commission in Lord Polwarth's Charter-room.



in the Castle of Dalkeith, and when the question of the Restoration of King Charles the Second was being there discussed, the Countess acted as the agent between him and the Scottish nobles, who "most by the mediation of the Lady Weims," says Baillie, "a wittie active woman, did oft solicit him to attempt for the King."<sup>1</sup> She considered that her influence would consequently prevail with the King in obtaining what she wished. The Earl of Rothes dissembled his secret friendship and correspondence with Tweeddale, to whom he professed great enmity, and so wrought on the Countess his sister that she intrusted to him the management of all her affairs. Thereafter, says Highcheester, they acted jointly against the interest of the Countess of Buccleuch and her husband, that they might dispose of the Lady Anna with more advantage. But the Countess of Wemyss did not then suspect that Rothes was negotiating for a marriage with the Earl of Tweeddale's son, who, as next heir of tailzie, could offer the most advantageous terms.<sup>2</sup>

The object which the Countess of Wemyss had in view was to obtain a gift of the ward and marriage in the names of her brother the Earl of Rothes and her husband the Earl of Wemyss, conjunctly. They professed to seek this not for any advantage to themselves, but only for the benefit of the family of Buccleuch, intending only to preclude strangers who might seek exclusively their own interest to the prejudice of the family. To obtain the success of these designs the Earl of Rothes proceeded to London, promising faithfully to do all in his power for their mutual interests. But when he obtained audience of the King, notwithstanding his promises to his sister and Highcheester, he prevailed with his Majesty to grant to him solely the ward and marriage of both the young ladies, excluding the Earl and Countess of Wemyss. Rothes then joined his interest with that of Tweeddale and the enemies of the marriage of the Countess of Buccleuch; and the better to attain his ends, charged with disloyalty and disaffection Highcheester and those who were favourable to it. Highcheester asserts that Rothes was so successful in

<sup>1</sup> Baillie's Letters, vol. iii. p. 438.

<sup>2</sup> Information by Sir Gideon Scott.



this, that he got fines levied on some of them, although they had supported the King's cause at Preston and Worcester, and procured exemption for others who resiled from supporting the marriage, and also for those who had opposed it although liable to censure for opposing the interests of the King.<sup>1</sup>

The Earl of Wemyss, who was then in London, soon learnt the conduct of the Earl of Rothes, and at once despatched his son-in-law, Lord Melville, to Scotland, to inform the Countess of Wemyss. The Countess, who had intended visiting London on purpose to receive the thanks and rewards from the King for her zeal in furthering his Restoration, and also to promote the projects concerning her daughters, determined to hasten without delay to the Court in order to thwart the schemes of her brother. She was desirous that the Countess of Buccleuch should accompany her, and was moved to this course, as Highchester asserts, in order that her own and her husband's expenses in London should be defrayed by her daughter. Possibly that was so. Lady Wemyss and her brother the Earl of Rothes had not omitted, especially since the marriage of the Countess Mary, to avail themselves of the power which they had over the rich heiress. Soon after the ratification of the marriage had freed them from further interference, the private agreement already noticed was carried out, and the sum of £24,000 Scots was paid to the Countess of Wemyss for a year's "entertainment" of the Countess Mary and her husband, including £8000 for the charges of the contract and marriage. An additional sum of £3000 was paid for the Lady Anna Scott. Thereafter the Countess of Wemyss received always "by way of advance," £16,000 Scots per annum for the maintenance of the Countess of Buccleuch and her husband, and £3000 for her sister. The Earl of Rothes also received several large sums of money partly on his "awne personall band." Of these discharges we have records in the Chamberlain Accounts. That one reason for taking the Countess of Buccleuch to London was financial, is proved by the fact of her relations having borrowed, on the Countess Mary's signature, while in London, the sum of forty thousand merks.

<sup>1</sup> Information by Sir Gideon Scott.



For my very  
hoped lady  
The lady hutchinsons



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Madam

mem 1/3  
21 April

I had given you an account of  
my daughter Suellechs condition  
now frequently if your husband  
had not been sometimes a witness  
to it she hath continued well in  
health, but doctor Grubal hath  
failed us and is not to return now  
and next week we are to consult  
with severall physicians and surgeons  
and then to employ sum to goe  
about the case. I must now put you  
in mynd of your promise to my  
daughter and me to see us here which  
is expected and very much desired  
by  
your most affectionat  
humble servant  
Margaret Lester



The condition of the Countess Mary's arm continued to give cause for grave anxiety. Lady Wemyss writes on 21st April 1660:—

Wemyss, 21 Apryll [1660].

MADAM,—I hed giuen you ane account of my dowghter Buccleuch's condision mor frequently if your husband hed not bein sumtymys a witnes to it; she heth continowed uiell in health, bot Docter Tratbak heth failed us and is not to return now, and nixt uiek we ar to consult with severall phisicians and surgens, and then to imploy sum to goe about the coor. I most now put you in mynd of your promice to my dowghter and me to sie us hier, which is expected and very much dysyred by

Your most affectionat humble seruant,

MARGARET LESLIE.

For my very honored lady the Lady Haychesters.<sup>1</sup>

The consultation of physicians and surgeons, to which the Countess of Wemyss alludes in her letter, was held to consider the case.<sup>2</sup> Judging from a letter written in June by the Countess of Buccleuch to her mother-in-law, their treatment had no beneficial effect. Being too weak to join her husband in his visit, she considerately sent a miniature of herself to Lady Highchester, with the following letter, which is written and signed by another hand:—

Wimys, Joun 9, 1660.

MADAM,—My lord, acording to hes deuty, is com to wait on you, sinc ye was onabl to do us the fafor to com hier, which I do still uarie much regret. If I uar fit for trefell, I shuld bin with you lekyes at thes tem, and sinc I was not abl to com my self, I haue sent my pictor, which I hop ye will uer in remembrenc of me. Be plesed to eas a goldsmith pot in the pictor in the kes, for I could

<sup>1</sup> Letter in Lord Polwarth's Charter-room.

<sup>2</sup> The report of this consultation, dated 26th April 1660, and signed by ten "physicians and chyrurgeons," is a curious specimen of the method of treatment in those times, from which a healthy person could scarcely escape scatheless. The malady is said to have been of a "heterogeneous nature, viz., pituite and sharp serosities flowing from the unequall

distemper of the bones in their contrarie actings." The treatment consists of bleeding, loch-leeches, the actual cautery, and a formidable list of drugs, including "mercurials with litle or no salivation." They also recommend "Moffat Wells, taken according to the direction of the physician."—Contemporary Copy of Report in Lord Polwarth's Charter-room.



not gett out the cristoll. My lady my mother presents her humbl serues to you,  
and I desayer euer to be estemed

Your most affectionat humbl serunt,

MARIE BUCCLEUCHE.

For my honred lady, the Lady Haychesters—These.<sup>1</sup>

The "Pictor" which was thus presented by Countess Mary to her mother-in-law was a miniature of the Countess herself. It still forms a portion of the collection of the present Lord Polwarth, who is the lineal descendant of Walter Scott of Buccleuch, Earl of Tarras, by his second marriage.

Not many days after this letter was written, the Countess Mary was hurried off to London by her mother, who was so intent on thwarting the intrigues of her brother the Earl of Rothes, that she did not give sufficient heed to the effect of the journey on the delicate health of her daughter. Lady Wemyss had also persuaded the Countess of Buccleuch of the necessity of being touched for her malady by the King. The belief that the royal touch would produce a cure so impressed the young Countess, that she became extremely anxious to have audience of his Majesty for that purpose. The journey, however, so long and tedious, undertaken in her feeble state of health, is said by Sir Gideon Scott to have had a very prejudicial effect. In a letter written apparently from Loudon, the Countess expresses to her husband her hopes as to the virtue of the royal touch.

[June 1660.]

MY DEAREST HART,—I an in verie good healt, and my aerme lucks uerie uel; we thing the vertou of his Magstie tuch is lieck to cause the frash boon cast out the roton. Presnt my saruise to my suit brothers and sisters, and to al good frinds there.

Your real

MARIE BUCCLEUCH.

Present my seruus to Mester Tod.<sup>2</sup>

To the Earll of Buccleuche.

To be left at Mistrs Meny, at Edinburgh, Scotland.<sup>3</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Mr. Tod was the governor of Lord Tarras.

<sup>3</sup> Original Letter in Lord Polwarth's Charter-room.



On arriving in London the Countess of Wemyss at once took measures to obtain a reversal of the gift of ward and marriage. In this she was successful. The grant was then renewed in favour of the Earls of Rothes and Wemyss conjunctly. Rothes and his sister were again reconciled, and he succeeded in removing her suspicions as to his dealings with Tweeddale, and in forming an alliance with her which was inimical to the interests of Highchester and his son. When Highchester proceeded to London he was knighted, which, he says, he cared little for, and his son was created Earl of Tarras, instead of Earl of Buccleuch as had been expected. Sir Gideon Scott soon found that his former confederates had turned against him, and produced an unfavourable impression of him in the mind of Monck, who received him very coldly. From that time the breach between the former allies widened until they became bitter opponents.

Meanwhile the young Countess of Buccleuch, happily unconscious of the schemes formed in anticipation of her early death, returned with failing health to Scotland in the autumn of 1660. Soon after her return the Countess became sick of measles, and not recovering well, she fell into a hectic fever in the winter of that same year.

Soon after the ratification of the marriage of the Countess Mary and the Earl of Tarras in 1659, and while residing at the Wemyss, she made her will and testament on 4th May 1660. By that deed Highchester was appointed only executor and universal legatee, except £10,000 Scots to Lady Mary Montgomerie, and £12,000 Scots to his daughter.<sup>1</sup> By a codicil of the same the Countess bequeathed to the Earls of Rothes and Wemyss, equally betwixt them, certain sums of money, namely, the sum of 66,000 merks due by the Earl of Tweeddale, 42,000 merks by Lawrence Scott of Clerkingtoun, and 26,000 merks by the Earl of Rothes. She made a disposition of the same

<sup>1</sup> The legacy to Lady Mary Montgomerie consisted of a debt owing by her father, Hugh, Earl of Eglinton, to the Countess of Buccleuch; that to Highchester's daughter was a bond by the Earl of Southesk, the latter legacy being

secured, in case of non-payment of the bond, in the teinds, moveables, debts, etc., of the Buccleuch estates, to be paid to her by the executor, her father.



date to Highchester of all her moveables, and sums of money contained in the testament and codicil, reserving to the Earls of Rothes and Wemyss, Lady Mary Montgomerie, and Highchester's daughter, the sums provided to them, and took Highchester's back-band to that effect. He signed a declaration that notwithstanding the testament and disposition, she and her husband had the same power to dispose of their rents in the tenants' and Chamberlain's hands as they had before.

At the same time the Countess made two dispositions to her husband in case his provision of £4000 sterling by the marriage-contract should be questioned. The first disposition was of 100,000 merks, and contained a precept of sasine in certain of her lands wadset for that sum. The other disposition was of the sum of £7000 sterling.<sup>1</sup>

When the recovery of the Countess from her last illness seemed extremely doubtful, she subscribed another last will and testament on 31st January 1661. Its terms were similar to the former, excepting that the sums bequeathed to the Earls of Rothes and Wemyss were to be paid either in the manner stated in the codicil of 1660, or out of the first and readiest means available that belonged to her at the time of her death, as they should judge most expedient. That will was executed by the Countess of Buccleuch when her trembling signature to it shows her bodily weakness.<sup>2</sup>

Only two days afterwards, on 2d February, a will of an entirely different character was signed by the Countess. Her husband, Highchester, and his daughter were wholly excluded, and the Earls of Rothes and Wemyss

<sup>1</sup> Original Documents in Lord Polwarth's Charter-room. Francis, Earl of Buccleuch, had taken precautions in the bond of tailzie to prevent his successors burdening the estate with debt, restricting the amount to 100,000 merks. In addition, his heirs were permitted to borrow on the security of the lands for the relief of any debts owing by him at the time of his decease. It was through this latter clause that the second disposition of £7000

sterling by the Countess to her husband was accomplished. Her advisers agreed to consider the fine and attendant expenses, amounting together to £7000 sterling, as a debt owing by the deceased Earl, for which the Countess was entitled to lay an additional burden on the estate, and the Earl of Tarras was consequently infetted in lands of that value.

<sup>2</sup> Vol. ii. of this work, p. 307.



appointed sole executors and universal legatees. These two Earls had fairly outmanœuvred Highchester, and provided themselves with the complete control over the property of the Countess. They were invested with powers similar to those formerly conferred on Highchester, to uplift all the property of the Countess in the hands of the Chamberlains or others indebted, and dispose thereon at their pleasure. The Countess ordained this to be her last and irrevocable will and testament, renouncing all others formerly made.<sup>1</sup>

This last testament, says Highchester, was said to be informal and scarce right subscribed (the lady being then so weak), and was made without the knowledge or consent of her husband or his father, though they were at the Wemyss at the time, and, he adds, that all the time of the sickness of the Countess, Lady Wemyss was "ever devising quarrels with them, and suggesting hard things of them to the innocent dying lady, to justify the unhand-someness of the posterior testament."

She only survived these events for about five weeks, having died at Wester Wemyss on the 11th of March 1661. Her body was embalmed and interred in the family mausoleum in the church of Dalkeith. Thus died at the age of little more than thirteen and a half years of age the amiable Mary, Countess of Buccleuch, her vast fortune being in reality her misfortune, as it led to her becoming the victim of ruinous intrigues.

Intelligence of the death of the Countess of Buccleuch was conveyed to the Earl of Rothes, who was then at Edinburgh, and he lost no time in communicating with the Court, in order to procure a ratification of the gift of ward and marriage. At the same time he wrote to the Earls of Wemyss, Tarras, and others interested, informing them of what he had done, professing that he had sought the grant to be conferred in the same manner as formerly. This letter must have been intended to lull their suspicions, as the result shows that he meant to obtain the gift of ward and marriage exclusively to himself.

<sup>1</sup> Vol. ii. of this work, p. 308.



March 12th, 1661.

MY LORDS,—The expected but sade newes of the death of my deare neice, I received this day betwixt eleven and twelff a cloak, and hes this eveneing by the post signified so much to my Lord Secretary, with wdenyable presseinge reassons, ffor a retification off his Majesties fformer gift off the ward off the then Ladie Anna, now Countes off Bucclewgh, in the same way as it was fformerly. And this beeing the pacqwet night, I did not conceave it flitt to suffer the noyce off our wnextpressable losse to spreed it selff, so longe as I could without giveinge ground to belive that I did it intentionally, but to-morrow I am resolved to sie what our Advocats sayes to it, and will speake to Langshaw and Bevelie, and shall wait ffor what other commands I shall receive ffrom you the morow, ffor I conceave my stay heer most necessare at this tyme, that I may the mor perticwlarly notice the actions off thos we aprehend to be our enemies, and rather endeavor crusheinge the bud then to be necessitate to improve the wicked dessinges, when they are hatched and browght ffoorth; but after the morow I shall endeavor to waite wpon you, which is the smallest part off that great deutie dewe ffrom,

MY LORDS,

Your Lordships' most obedient servant,

ROTHES.

To the Right Honorable the Erls off Eglington, Weyms, Tarras; Lord Montgomerie, Lord Balgonie, Sir Geidion Scott of Haychester—Thes.<sup>1</sup>

The Earl and Countess of Wemyss expected to share in the gift of the ward and marriage, but they were soon undeceived. On discovering that the Earl of Rothés had obtained the grant passed in his own person exclusively, the Earl of Wemyss wrote a remonstrance to Monck, Duke of Albemarle, from whom he received the following reply:—

MY LORD,—I received your Lordship's letter concerning my Lord Rothés, and I cannot believe that he would do so unhandsome a thing as to desire to have the wardship alone, without your Lordship; but rather believe it was done by some persons here for some other ends: and if your Lady and you

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



can prevail with my Lord Rothes to make it his desire to his Majesty, in a letter, to join your Lordship's with him, I shall present it to his Majesty, and use my endeavours to get it granted; but without that, I doubt it will not be done. I shall desire your Lordship to be assured that, in any thing that lies in my power, I shall be ready to express myself, your Lordship's very humble servant,

ALBEMARLE.

Cockpitt, 23d April 1661.

For the Right Honourable David, Earl of Weymss, att Edinburgh—These.<sup>1</sup>

But the Earl of Rothes would not give up the advantage he had gained without compensation, and he had to be compounded with by payment to him of the sum of £12,000 sterling.<sup>2</sup> That sum was greatly in excess of the amount paid to the Earl of Stirling, who only received £1000 for the ward and marriage of Earl Francis. And when Highchester endeavoured to have the grant of the ward and marriage of the Countess Mary bestowed by Cromwell on Sir Peter Killigray, £1500 was the compensation arranged to be paid to the latter.

The Countess of Wemyss was greatly exasperated at being thus outwitted by her brother the Earl of Rothes, and her subsequent dealings with the King for the marriage of her second daughter, the Countess Anna, are said by Highchester to have been caused by her irritation at her brother's conduct. She also suspected a renewal of his alliance with the Earl of Tweeddale, which she determined to frustrate at all hazards.

The last will of Countess Mary was given up by the Earls of Rothes and Wemyss, as the only executors, and confirmed on 13th June 1662. The free amount of her personal estate was £96,104, which was divisible between the two executors.<sup>3</sup>

That was another large sum which they secured from the Buccleuch family. Had the young Countess of Buccleuch been left to the dictates of her own free will, there can be little doubt that she would have bequeathed

<sup>1</sup> Original at Wemyss.    <sup>2</sup> Information by Sir Gideon Scott.    <sup>3</sup> Vol. ii. of this work, p. 308.



her personal estate to her husband or her only sister, to whom she was tenderly attached, in preference to a maternal uncle and her step-father. But the hand of her managing mother no doubt continued to control her invalid daughter on her deathbed.<sup>1</sup>

Not satisfied with the exclusion of the Earl of Tarras from the executory, and with the sacrifice of his interests as well as those of his father, Sir Gideon Scott, the Earl of Rothes and his sister resolved on further proceedings. Instead of the former alliance with Highchester, there was now bitter opposition. Their interests were now opposed to each other. All the ward lands of the estate of Buccleuch through which the ward and marriage of the Countess Anna might fall into the hands of the Crown, formed part of the liferent lands in which the Earl of Tarras was infefted by virtue of a precept in his contract of marriage. So long as the Earl lived, it was considered that the ward and marriage of the Countess would be secured from falling to the Crown. That conflicted with the interests of the Earl of Rothes, who had obtained the exclusive gift of the ward and marriage. The Earl of Tarras was also provided, in terms of the marriage-contract, to the sum of £4000 sterling annually. To remove the obstruction which interfered with the free action of the Earl of Rothes in disposing of the grant which he had received from the King, and at the same time deprive the Earl of Tarras of his liferent provision of £4000, the most effectual means was the reduction of the marriage-con-

<sup>1</sup> The disposition of the personal estate was carried out to the letter. When the Earl of Rothes was appointed Commissioner from King Charles the Second to the Scottish Parliament in 1663, the Castle of Dalkeith and Sheriffhall House were emptied of their furniture, which was transferred to Holyrood House, in order to furnish it for his residence. In "Ane Information to his Majesty concerning the Family of Buccleuch," by the five tutors in 1662, it is alleged of the promoters of the marriage that, "finding the late Lady sicklie, they caused mak requesa-

tion of all the moneyes which by the tutors was lent out upon heretabill infeftments, to the effect the samen might become moveable, which by the band of tailzie was appoynted to be put to the foire to the airs of tailzie, which sowmes will extend to £124,116, 13s. 4d. Scottis, which they expect to fall to themselvis as executors." This was also one of the charges in the action for malversation brought by Scottstarvit and other tutors against Highchester, Harden, and Stobbs. —[Documents in Lord Polwarth's Charter-room.]



tract. And this course was taken. The Earl of Rothes having been one of the chief promoters of the marriage-contract, did not wish to appear prominently as seeking its reduction. An arrangement was therefore completed with Scottstarvit, Gorrinberrie, and Thirlestane, the tutors who had formerly opposed the marriage of the Countess Mary with the Earl of Tarras, and Laugshaw and Baviaw, who had formerly been favourable to it, but had since resiled therefrom. A meeting was held at the lodging of the Earl of Wemyss in Edinburgh, when these five tutors resolved to administer the affairs of the Countess Anna, excluding Highchester, Harden, and Sir Gilbert Elliot, and to proceed at once with the action for the reduction of the marriage-contract.

The process was carried on vigorously during the winter session on the same ground as the former action, the minority of the Countess Mary. The power and influence of Rothes, which was now considerable, backed by that of the Earls of Lauderdale and Tweeddale, now acting in concert with the five tutors, was sufficient to show Highchester that his case was hopeless. On being called on to produce before the Court of Session the contract of marriage between his son and Mary, Countess of Buecleuch, he refused to do so. The Court thereupon pronounced decree against him for non-appearance and non-production.<sup>1</sup> Another action was raised by Scottstarvit and the tutors adhering to him, against Highchester and the tutors who had acted with him in promoting and defending the marriage, for malversation in their office; but the "Information" by the five tutors, previously quoted, reports that the process "hes bein hitherto holdine off, by what meanis is unknowne." It adds that if sentence should be pronounced "againes the said malversand tutors, not only the deids done by them illegallie will fall, bot it will bring them in perell of lossing a great partt of ther owne estates for ther bygone actings contrare to ther trust." This process, however, was never carried to a conclusion.

Thus ended, in failure to some of the principal actors, the intrigues which

<sup>1</sup> Information by Sir Gideon Scott.



had surrounded the infancy of Mary, Countess of Buccleuch, whose welfare had been sacrificed to advance the interests of those to whose guardianship she had been intrusted. Her youthful promise, cut short by an early death, was commemorated by an unknown poet of the time, in an elegy which may here fitly close her Memoir:—

Here goes into the grave, a glorious prime :  
 Honour and Fame were but attending time  
 Of farder ripening, and the bringing on  
 Of her fair flourish to perfection.  
 But O! when Time did Fame and Honours call,  
 Then comes proud Death, and swiftly ruins all.  
 So wise and young ; so young and so compleit ;  
 Greatnesse and Goodnesse trysted here to meet.  
 Farewell, sweet Countesse ! it's thy noble dust  
 Which is committed to this tomb in trust.  
 The splendour of thy virtues and their rayes  
 Shall shine in our horizon many dayes.<sup>1</sup>

*Maria Buccleuch*

*Buccleuch.*

<sup>1</sup> *Scottish Elegiac Verses 1629-1729*, Edinburgh, 1842. p. 127.



## WALTER SCOTT OF HIGHCHESTER, 1644-1693.

CREATED EARL OF TARRAS, LORD ALMOOR AND CAMPCASTILL FOR LIFE.

HUSBAND OF MARY, COUNTESS OF BUCCLEUCH.

I N the preceding memoir of Mary, Countess of Buccleuch, several notices of Lord Tarras as her husband have been necessarily interwoven with the narrative of her life. He was born on the 23d of December 1644, as appears from the registration of his birth in the records of the parish of Wilton.<sup>1</sup> At the time of his marriage in 1659, Walter Scott was thus only in his fifteenth year. As he survived the Countess Mary for many years, a farther account may be given of his career.

Previous to the reign of King Charles the Second, when a commoner married a Peeress in her own right, it was supposed that the husband became a Peer in right of her dignity by the courtesy, in the same way as the husband became entitled to the landed estate of an heiress. The law of courtesy in peerages has been much discussed, and is still a very uncertain subject. In the reign of King Charles the Second, several commoners married ladies who were Peeresses in their own right. But in no instance did the King acknowledge any right of the husband being a Peer through the courtesy of the dignity of his wife. The general practice was to create the husband a Peer for life only, either by the name of the dignity of the Peeress wife, or to give a liferent dignity of another name.

Although young Highchester on his marriage with Mary, Countess of Buccleuch, was addressed in her letters to him as Earl of Buccleuch, and although he himself also assumed that dignity on several occasions, the right was not recognised by the King. Following the practice observed by King

<sup>1</sup> Extract, dated 21st February 1659, of entry in Register, in Lord Polwarth's Charter-room.



Charles in other cases, his Majesty created Walter Scott Earl of Tarras, Lord Almoor and Campecastill for his life only. The patent is dated 4th September 1660, and the following is a translation of the original, which is in Latin:—

Charles, by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, to all his good men to whom the present letters shall come, greeting. Know ye, forasmuch as all titles, honours, and dignities ought to flow from us as the fountain to our faithful subjects, and whereas it is well known to us that our well-beloved Walter Scott, younger of Haychester, and now husband of our well-beloved cousin, Mary, Countess of Buccleuch, is sufficiently provided with fortune to uphold the dignity and title of Earl, which we have resolved to bestow upon him for his additional encouragement to persevere faithfully in our service: Wherefore, and also for other good reasons moving us, we have made and created, and by the tenor hereof make and create the forenamed Walter, Earl of Tarras,<sup>1</sup> and Lord Almoor and Campecastill for the days of his natural life, that he may be so designated and called, with all rights, privileges, honours, dignities, and precedencies belonging to the foresaid title, and that he may enjoy place and precedence from the date hereof, and sit and have a vote in all Parliaments, General Councils, and other Conventions, as freely and amply as any other Earl of this our kingdom. Moreover, that he may assume during that time such a coat-of-arms as may be competent to the said title, with which we have commanded him to be furnished by our Lyon King-of-Arms. And always we dispense with his abstaining from the arms of the Earl of Tarras, so long as the Countess of Buccleuch, his wife, shall be alive, during which time it shall be lawful to him to bear the coat-of-arms of the family of Buccleuch, and that in respect of the destination in the taillie of his estates made by our well-beloved cousin Francis, not long since Earl of Buccleuch;<sup>2</sup> and the foresaid Walter shall hold the said title and dignity of Earl during his life, of us and our successors. In witness whereof, to these presents we have com-

<sup>1</sup> The name was taken from the lands of Tarras or Black Tarras, in Eskdale, Dumfriesshire, which then belonged to the grantee. Tarras Water was celebrated in poetry for

“The good bull-trout,  
If he be ta'en in time.”

Easter and Wester Almoor, in the parish of

Roberton, Selkirkshire, formed part of the grantee's estate of Highchester.

<sup>2</sup> No patent of arms to the Earl of Tarras is in the records of the Lyon Court, nor has any armorial seal been found in the Harden repositories. A small seal which he used in sealing letters had his monogram of W. E. T., surmounted with an Earl's coronet



manded our Great Seal to be appended, at our Court of Whythall, the fourth day of the month of September, the year of God one thousand six hundred and sixty, and of our reign the twelfth year.<sup>1</sup>

The latter will of the Countess, and the success of the opponents of the marriage in obtaining the reduction of the marriage-contract, deprived Lord Tarras of any provision from the Buccleuch estates. Many attempts were made by petitions to the King, and by negotiation with the Countess of Wemyss and her relations, to arrive at a settlement whereby the Earl of Tarras would receive an allowance from the Countess Anna. Lady Wemyss professed herself anxious to promote his interest, but according to the statement of Highchester, it was only to further her own ends. She undertook to represent the case to his Majesty, but, says Highchester, the case was "misrepresented by sundrie, amongst whom my Lady Weems, notwithstanding all her promises and engagements, is not the least industrious."<sup>2</sup> She advised him not to present a petition to the King, but to give in a full and absolute submission of all claims to his Majesty. This advice Highchester declined to follow, suspecting that the Countess was leagued with the Earl of Rothes to lead him into a trap in order still better to secure themselves.

In the year 1661, shortly after the death of the Countess of Buccleuch, negotiations were carried on between Sir Gideon Scott, for the interest of his son, and Lady Wemyss. The agent who was employed on the part of the Earl of Tarras reports in October of that year that he had proceeded to Wemyss Castle, where he had an interview with the Earl and Countess of Wemyss. Her ladyship proposed that twenty thousand merks per annum should be secured to the Earl of Tarras by a decret of the Court of Session. An agreement was drawn up in these terms, but was never brought to a conclusion. The reduction of the marriage contract, which took place soon afterwards, no doubt influenced the proceedings of the Countess of Wemyss.

Sir Gideon Scott then proceeded to London and presented a petition to King Charles the Second, having previously shown it to the Earl of Lauder-

<sup>1</sup> Original Patent at Mertoun.

<sup>2</sup> Information by Sir Gideon Scott.



dale and received his approval. The petition sets forth that the reason for the non-production of the marriage-contract in the action for reduction, was in deference to his Majesty's expected interest in the affairs of the Buccleuch estates, in consequence of the proposed marriage between the Countess Anna and the Duke of Monmouth. His Majesty, without reading the petition, handed it to the Earl of Lauderdale, who, according to the statement of Sir Gideon Scott, sent it to Scotland to the enemies of Lord Tarras, "who there-upon met and consulted their lawyers, namely, Sir John Nisbett, who advised them to procure of his Majesty a delay to the petition, untill the Duke of Monmouth's curators were chosen, which resolution of theirs some friend to Heychesters did acquaint his wife with, and she wrote the same to London to him, and he received it just two dayes after my Lord Lawderdaill had given him the same answer, in termes as from the King. Where-upon Heychesters returned home to Scotland, not making any move at all in his son's businesse, knowing very well what sort of curators the Duke of Monmouth would be furnished with."<sup>1</sup>

Lord Tarras in the year 1667 departed abroad, where he remained for some years. He kept a Journal of his travels in France, Italy, and the Netherlands, which forms an interesting manuscript volume of about two hundred closely-written pages. An incident which happened to him and his companions near the Gulf of Salerno, then infested with banditti, gives a lively picture of the difficulties which beset the traveller in Naples in the seventeenth century. They had hired a felucca for the voyage to Sicily and Malta, and after passing Salerno they put into a small creek where there was a miserable inn :

"When we came in, there meet us two rascalls that made us wellcome, and asked us presently if we would dine, and whither we would dine *al pasto* or *al conto* (*al conto* is when every piece of meat is priced, and *al pasto* is when soe much is payed be every one as in ane ordinary). We answered we would eat *al pasto*, and give them their ordinaire, and refere ourselves to the discretion of our hoste : soe were caried up to a rounge, where we putt by our armes, and were presented

<sup>1</sup> Information by Sir Gideon Scott.



with a glasse of wine. The cloath was laid and our diner served up. When we were sett immediatly there clapt to every one of our backs a rascal, with each a pistolet at on side and a dagger at the other, their blak barrets ore bonets on their heads à la Spagniola. When we perceived this, we looked one to another and thought we were in a mistake. However, we putt the fairest face on the matter we could, and eat our diner pretty pleasantly considering the posture our pages were in that served us. The truth is they caried to us pretty familiarly, and we took all in very good part. I remember one of the gentlemen of the company, that was not soe well satisfied with his varlet's service as the rest of us were with ours, called for a glasse of wine a litle briskly; his man made as if he had not heard him. The gentleman turns about in a huffe, 'doe not ye hear,' said he; 'why doe ye not give me a glasse of wine at first call?' The other answers, '*e perche non lo demandate voi con migliore gracia dunque,*' that is, 'and why doe not ye call for it then with a better grace?' and, haveing said this, laughed disdainfully, and looked to his camarads. Our gentleman then very civilly desired a glasse of wine, and gott it: this and the like passed *courante*. Another passage which I remember hapened upon our discussing our last dish of meat, which consisted of seven half pigons—half a pigon a man. We asked them if there were not yet some more meat for us. 'How!' say they, 'have yee not had allready enough, three dishes of meat, viz., a *minestra*, an *antepasto*, e *mezza pigeone per hno*, and ther's your descert, which maks the fourth, e *che Diavolo che volete più*, what the divill would yee have more?' Soe, turning from us, he says to the next rascal, his camarade, *Per Dio Santo que sti forastieri mangano della carne come li cani*; that is, 'By the holy God, these strangers eat flesh like dogs.' This passed likewise. Diner's ended, and we give them what they will, and bids them adieu. They complement us in offering to waitt on us to our filouequa. Soe away we went all together, and when we were in the open fields, and nier our filouequa, we begun to tell them that now we were on equall termes, and asked them how they came to use us so rudly while we were in their reverence. Thus we went on, non of us behind hand with other in our rough reasoning, till we were entered our filouequa. From thence we bad them 'adieu, rascals and banditi.' They returned us our complement, and withall swoore by the mother of God, if they had us now as they had us within this half hour, there should not a dog's soul of us escape. Upon this, to free us of their further trouble, one of the gentlemen, Msr. de Salez by name, turns one of the mounted pieces of our boat and



fires among them, and immediatly we fyled every man a pistolet, which made them show their healls. There was non of them killed, whither any were wounded I can not say. Our patron (pilot) was extremly concerned, lest they should have maned out a fillouequa or two after us, therefore we rowed hard till we came to Capo del Aracosa, which we recovered before night."

On his return from the Continent, Lord Tarras proceeded to London, where a letter awaited him from his father, containing advice and directions as to the Earl's conduct at Court. The letter of Sir Gideon Scott is characteristic, and reveals somewhat of the nature of the man who exercised no small influence on the destiny of the family of Buccleuch:—

Edinburgh, March 23, 1670.

SONNE,—Ye may expect from what I have formerlie written to yow, that now since ye are coming toward the Court of England, I should give yow some advice, quhair ye will have most neil of good advice; bot trulie my interest in yow makes me more desyrous nor I finde my selfe able to give a solide and weille grounded resolution in sundrie things: for besyde my owne weaknes, the vncertaintie of quhat may occurre to yow there, ought to discourage a wyser man nor me from adventureing vpon a too punctnall advice in many things, quhich may rather be a hinderance nor ane advantage to yow, and therefore I referre yow (as to the maine) to God's direction, and to the rules of prudence and discretion, and shall insist only vpon a few things quharof I have some experience, and are possible not yett knowne to yow.

When ye are att Court ye will be as it were vpon the stage, quhair your department will be narrowlie observed, and will gawe occasion to wyse men (both friends and adversaries) to found ane estimation of yow suitable therto, and to frame their prognostickes of yow and your concernment accordinglie, and therefore the greatest circumspection imaginable will be requisite both as to your cariage, discourse, and converse. It is lyke ye may meitt with discouragments and slights, for your pretence (or rather ane others interest quhairvpon yours hath much dependance) have begotten yow strong oppositts; or quhich is more dangerous. ye may be assaulted with the fairest shewes of freindshipe quhair the worst offices is intended yow, against both quhich, integritie, ane inoffensive cariage, and a calme and even balanced mynde, neither discouraged with injuries nor elevatt-d



with hopes, is the safest bottome to stand vpon, and will bring more favour and more advantage to your interest nor impatiencie or buzelling for it can doe. I desyred yow formerlie, and ye ingadged to me accordinglie, not to medle in your busienes, lesse or more, vntill ye speake with me or have my speciall advice therin. quhich charge I doe againe lay vpoun yow, and therefore if any shall insinuat with yow vpoun that account, heare them civillie, and speake litle, and quhat ye say lett it be with a modest indifferencie, waveing the busienes, seeing your interest lyes att his Majestie's feett, and whensoever he shall be graciouslie pleased to take notice of it, then may ye expect satisfaction therin, for ye were yong when all these things concerning yow were done, and was then vncapable of the intricacies of your cause, and have not as yett hade occasion to bestirre your selfe therin, or to know any more of your busienes, bot quhat is obvious to everie bodie, quhich in reasone ought sufficientlie to excuse your not adventureing vpoun it alone without my advice, quhich both nature and dewtie to a parent and also your owne interest ought to tye yow vnto. In the year 1662, quhen the (now Duchesse of Buccleuch's) tutors pursued a reduction of your contract of mariage before the Lords of Session vpoun the inequalitye of the match and other reasons, and whilst the King (as was supposed) hade not then received any badde character of me, bot (as was said) was graciouslie inclined to favour your interest, I then produced before the Lords a full and ample submission to his Majestie of your whole interest and claime, and thoughte it was pressed to be read (with some importunitie) for thrie severall dayes, yett it was denied to be read, wherevpon, and vpon the apparent interest his Majestie was lyke to have in that ladie, I refused to appeare any further in that processe, or to produce your contract of mariage, and thervpon the tutors obtained a decreett of the Lords against yow. Bot the yeare thereafter, I beeing att London, and some by that time haveing given his Majestie ane vnfavourable impression of me (by whom it was given, or in what particular, the Lord knowes, for I am as litle conscious to my selfe for quhat it may be as I am hopeles of ane opportunitie of vindicating my selfe, quhich they who have wronged me have possiblie been confident of), my Ladie Weyms was sett a worke (for quhich and other the lyke good offices I think hir Ladieshipe hath no great reason to bragge) to persuade me to give in to his Majestie, vnder your hand and myne, a formall submission of all your claime and interest (and not by way of petition) as the only mean to ingadge his Majestie to deall honourablie with yow, and that my not doeing of it would import a distrusting of his Majestie and the lyke, quhich I vnderstood to be bot



the contrivance of men more wyse nor just quho hade sett hir Ladieshipe a worke, and quho, vpon such a submission, might have made it their worke by their power and importunitie to improve that hard impression quhich his Majestie hade then received of me vnto a suitable determination in your case, and that irrecoverable, for therafter ye could have no further pretence in law: so that if his Majestie should therafter be better informed of your busienes, and more graciouslie inclined to favour yow, his former decision would make it impossible, vnles by ane act of his royall power, quhich in reasone may not be expected in such a trifle as your concernment is. But my ansuere was (and the lyke ansuere may also be of vse to yow), That it is the dewtie of all true subjects to submitt their lives, fortunes, and concernments vnto his Majestie, and accordingle yours was then (and is yett) humblie prostrat at his Majestie's feett allreadie, although not formallie done in writt (quhich might expose his Majestie to a surpryzall, and yow to be insnared by the machinations of your adversaries), and that I intended no other methode for your redresse bot by humblie supplicatting his Majestie, quhich is the most vsuall way, and most beseeming a greived subject, and trulie it will be both your dewtie and your wysedome to be found allwayes in the same posture. And therafter, in the year 1664, I humblie presented a petition to his Majestie for yow, my Lord Lauderdaill beeing present (quho also advised me therin), wherein I found so litle, either of successe or hope, as made me give it over for that time, and ther it lyes still. What the obstructions were might be discerned with more ease nor they may be spoken with safetie, and therefore I shall advise yow to be verie warrie of any words that may escape yow, quhich may any way imply the least reflection vpon any quho are entrusted by his Majestie, bot especiallie privie counsellors, or officers of state, for it is criminall; and therefore I have shewed yow these things, not to furnish yow with matter of debate, bot to informe your judgement, nay, not so much as for discourse, bot only to such intimat friends of who's fidelitie and kindnes ye are (vpon good ground) confident of, and quho may be vsefull to yow att least by a favourable report if they shall finde opportunitie.

Now, as to your repaireing to Court in your way homeward, as I think it absolutlie your dewtie so to doe, that therby ye may present your selfe to your soveraigne as readie to receive and obey his commands, or att least (if his Majestie shall thinke you worthie) to be honoured with a kisse of his hand. So I thinke your aboade ther any long tyme (after so much expence abroad, wherein although ye have striven to be reasonable, yett ye will find when ye are come home that I



have strectched my selfe to my power) will not be fitt. I thinke about a moneths stay or so, lesse or more, as ye find encouragement or discouragement, will be sufficient. When ye are come to London ye would be as litle seen or knowne to be ther as can be, vntill yow come to kisse his Majestie's hand; for till then it is not fitt to apeare att Court openlie, and it is the Earle of Lauderdaill's place, as Lord Secretarie for Scotland, to present all noblemen and persons of qualitie quhen they come to be honoured with a kisse of his Majestie's hand, and they make their application to his Lordship for that effect so soon as they come to Court, quhich I did allwayes, least I should have disobleidged him, and he accordingly tooke me to the King, for I hade allwayes civilitie cneuch of my Lord Lauderdaill, bot litle freindshipe. Yet I thinke it fitt that in the first place, and so soon as ye are in a dresse for Court, that ye visite the Duchesse of Buccleuch and the Duke, and if hir grace by her selfe, or by my Lord Duke's procurement, obtaine yow a kisse of his Majestie's hand, it were better to be done by one of them then by any other; and I thinke my Lord Lauderdaill will not take it ill that ye acquire that favour by either of them, both in respect of that highe station they are in att Court, as also in respect of your relation to her Grace, and so much the rather, because ye may be supposed neither to know the methode of addresse of that Court, nor to have the honour to be acquainted with the Earle of Lawderdaill; bot in case neither the Duke nor Duchesse of Buccleuch be willing to doe yow that honour, then I know no other way bot by my Lord Lauderdaill, vnles ye would ingadge him to be youremie; and if he should doe yow that office slightlie, or to your disadvantage (quhich indeid is verie much in his power to doe), ye must beare it patientlie and without repyneing. And whither his Lordship present yow to his Majestie or not, ye would not neglect to pay him those respects that are dew to his dignitie and place. And quhen ye have once kissed his Majestie's hand ye would vse diligence to be now and then in sight of him. especiallie quhen heis att his walke even though he should not att all speake to yow, and do not faile quhen ye are to come homeward to kisse his Majestie's hand before ye come away, and bring home no French nor English servant with yow. Now if ye could be so fortunat as to gaine (vnobservedlie, and without shew of diligence) a privat freind quho hade some dexteritie, and would be att the paines to advert to your interest and give you notice therof, or the favour of some honourable persoune of interest and significancie att Court, quho were of power to give a checke to any sinister impression that may be given of yow or your con-



cernment, or could remedie the same if done, it might prove of great advantage to yow. I doe not mean that any should be desyred to interpose (as your busienes now stands) in your concernment designedlie and on purpose (for vnseasonable activitie in your busienes may be of more prejudice nor advantage to yow), bot only occasionallie, and as they finde opportunitie, bot I fear such a freind shall be hard to be found. If the late Duke of Albimarle hade been alyve, or if the Earle of Midletowne were att Court, and hade power, I could have expected such a favour from one of them, bot now I know of none vnles the Duchesse of Buccleuch should doe it; bot whither hir Grace shall doe it or not, I assure yow that ladie is the object of my best wishes and of my greatest feares; and this much ye may shew hir Grace from me, if ye finde a sesonable opportunitie of doing it, otherwayes lett it alone. Ye would also vse meanes to be honoured with a kisse of his Highenes the Duke of York's hand. As also (if ye find good advice for it, for I can not advise you thereanent) of the Queen and the Duchesse of York's hands, the last of which may possiblie (if weill informed of your case) so farre sympathize with yow (hir Hyghnes haveing been, as yow are, envyed for a mariage above her birth) as to afford yow, att least, some regrate. Ye would visite the present Duke of Albimarle kyndlie. The most of my intimate friends quhich I had att Court are either dead or gone from thence, but I heare Mr. Askine, sonne to the Earle of Marre, the king's cup-bearer, and Sir James Mercer, are still there yett, quhom ye would visit vpon my account, and quho, I hope, will wishe yow no harme. If Sir Thomas Clergis (the late Duchesse of Albimarle's brother) be about London, ye would also visite him, whither he be in power or not, for he hath been much your freind formerlie, and he is both ane honest man and verie able for either busienes or advice. Thus yow see I have advised yow to vse faire means for man's favour, if possible, not that ye should toyle too much or spend yourselve in pursuite of it, for happie are they quho have a surer refuge nor man to trust vnto; they shall not want counsell nor strenth nor abundant contentment, as weill vnder the frounes as vnder the favour of man, quhich non can beleive bot these quho in some measure enjoy it. Read this over againe, and consider it weill. God be with yow.

I am,

Your loving father,

GID. SCOTT.

For the Lord Tarras, so soon as he is att London—These.



On his arrival in London, Lord Tarras lost no time in again raising the question of his claims under the marriage-contract. He endeavoured to gain the aid of the Duke and Duchess of Monmouth in influencing the King in his favour. But he had a powerful enemy in the Earl of Lauderdale, whose daughter was married to the son of the Earl of Tweeddale. The King was not an unwilling listener to the advice of Lauderdale, and the efforts of the Earl of Tarras were fruitless. His presentation to King Charles the Second, and subsequent proceedings, may be given in his own words, in a letter to his father, dated 27th May 1671 :—

“ I dined with the Duke of Monmouth, and after diner he caried me with him to the Duchesse of Cleveaud’s house, wheir the King was, and their I presented him with my petition. While I was yet in the Duke of Monmouth’s lodgeings, he told me that he had beforehand aquented the King with my resolution to give him a petition, and that the King asked him what it was I would demande of him, and that he answered, belike I would demande a somme of money for my claime. The King asked what somme; the Duke answered he could not tell. ‘ And now, my Lord,’ said he to me, ‘ if after yow have given the King your petition he shall ask me again what somme yee would piche upon, what shall I say?’ ‘ My Lord,’ said I, ‘ by my contract of mariage I was provided to £4000 per annum; these ten years I have had noething, soe that I am £40,000 in arrieres; but if the King will grante me £20,000 in ready money, I’ll rebaitt the other £20,000, and turne over my right for the tyme to come upon yow.’ ‘ But,’ said the Duke, ‘ what if the King be unwilling to part with such a somme of money, would yow not be content of a pention.’ ‘ Pentions, my Lord,’ said I, ‘ are ill payed and uncertaine; the King who grants pentions gives them only for his own lityfeme; but if the King will secure to me £20,000, I am content to allow four or five years’ tyme for the payment of it; and if the King be resolved to doe me justice, but thinke that somme too great, I shall be content to rebaitt yet something of it.’ He promised to shew the King soe much, and withall bid me desire his wife the Duchesse speake the King in my behalfe, which I did upon the Tuesday, and she promised me faire; but on the Wednesday, when I went to her to ask what she had done, she said she had not had the opportunity, but she would. At the same tyme I asked the Duke what the King thought of my



petition. He told me that he had referred it to my Lord Laderdaill, "and yee would doe well to goe to him and see what he says, but I could wish my wife should speake first the King;" and just as he said so came in the Ducheses of Buckingham and Albemarle, and within a litle they went all out together; soe that night I went home, and the next day, being Thursday, about eleven a clocke I went to see the Duchesse, who was yet in bed. Then I resolved to goe ask my Lord Laderdaill concerning my petition, for I thought it not fitt to delay it any longer, it haveing been presented upon the Monday. He was just coming out of his lodgings when I went thether. I told him I was coming to waitt one him; that two days agoe I had presented my petition to the King. 'I know, my Lord,' said he, 'and the King hes shown it me, and his answer is that he will doe noething in it.' 'Noething,' said I, 'my Lord.' 'Noething,' said he; 'I am to tell the Duke of Monmouth of it,' and soe turned away from me and went alongs the gallery to the Corte. Whereupon I came backe to the Duchesse of Monmouth and told her the reception I had had of my Lord Lawderdaill, and did once again intreat her to speak the King in my behalfe. She said she should, but att night she told me again she had not had the occasione, soe that I am afraid she shifts it, and that they will hold hier and doe noe more: for to appeare zealouse for me, they can not be att the pains, and without they bee it's impossible to doe any thing to purpose against such ane heart enemy as my Lord Lawderdaill seems to me to be. And I do not know what else is in it, but I am mighty suspitious that these advices, concluded upon att the Weymes, and sent up to the Duke and Duchesse, may hint att me. Seure I am my lady towards me is a litle more reserved of laitt then she was wonte to be, but extraimly civill, and the Duke too. My Lord Lawderdaill will doe me all the ill offices he can, because I make my addresse wholly to the Duke of Monmouth, for that galls him, and soe much I did tell the Duke. And yet, though I had from the begining applied my self to him, I am persuaded that should not have availed me."<sup>1</sup>

Lord Tarras remained in London for some time, and the Duke and Duchess of Monmouth, on more than one occasion, spoke personally to the King regarding his claims. But they had little hope of success. Monmouth said, "The King is very willing to doe justice and reason, but when a man askes him money, that affrights him, for he hes soe much to doe with it

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



already." Writing to his father on 17th June, Tarras informs him that he had been to Windsor with Lord Oxford, and that the Duchess had told him that Monmouth had again spoken to the King for him, and he adds, "Truly the King she found was very litle inclined to favour me, for he said, 'Is it not enough that I have made him an Earle, though I doe noe more?' and that the Duke answered that I was the worse of that, since I had not wheir-upon to maintain the porte of an Earle, and that whate I pretended too was by vertew of my contract of mariage, for it was a shame I should have noothing upon that account. The King seemed not to notice much that which the Duke spoak anent my contract of marriage, but said over again he had made me an Earle."

A few weeks after that interview, the Duchess of Buccleuch again spoke to his Majesty, but to no purpose, as he answered the same as formerly. Lord Tarras, finding that there was no hope of succeeding in his appeal to the King, determined to leave the Court, and in September 1671, he wrote to his father—"In a few days I am to parte homewarde since I find my longer stay hier will be in vaine."<sup>1</sup>

The money for which Lord Tarras was pressing the King was alleged to be owing to him from the Buccleuch estates; and if payment had been made, it would have been out of the income of the Duke and Duchess of Buccleuch and Monmouth. As they knew that Lord Tarras could not, or would not, legally enforce his claim, they appear to have been lukewarm in forwarding it with the King. Lord Tarras was deluded from time to time with the idea of the payment of his claim as the husband of Countess Mary. But no payment was ever made, and his descendants of the present generation, when in the schoolroom at Mertoun, had occasionally prescribed to them as a calculation the amount of arrears of annuity of £4000 under the marriage-contract, which was supposed to be owing to the representatives of Lord Tarras by the Duke of Buccleuch. The total amount, with accumulated interest for two centuries, was always boasted of as sufficient to ruin the affluent debtors!

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



The plots in England, near the end of the reign of King Charles the Second, which had for their object the exclusion of the Duke of York from the succession to the throne, received some support from sympathisers in Scotland. Arrangements were secretly made to organise a party to act in concert with what was called the "country party" in England, in order to bring pressure to bear on the King, so that he might be forced to consent to the exclusion of his brother. Lord Tarras was one of those taken into the confidence of the leaders of the movement, and on the discovery of the plot he was apprehended and tried for treason. The Duchess of Buccleuch exerted her influence with the King on his behalf, but she appears to have had no expectation of a fatal termination to the trial. She writes:—

[No date.]

SIR.—I resav'd your letter when the King and Duke was at Neumarket, so it was not in my powr to soliccett in my brother Tarras busines. In short, I will tell you what I thought would be best for him, which was to tray if the Duke would interpos for him with the King. Accordingly I told the Duke what was desird in the letter I resav'd from you. The Duke told me that the King's positive resolution was that my brother Tarras should com to a speedy trayell, and this the Duke asurd me of. Now I am glad that he is lickly to have an end of this troublsom busines, for I have no fear for him, becaus I can not think he is guilty of anie such offencess as can prove fatall to him, and I am sure the King is so gracious that ther is no fear anie thing will be presst upon him contrary to justice. I can not take upon me to have much powr, but I will assure you that I shall ever be consernd for my brother, as much as he can exspect from one that has the relation I have to him, and particuler obligations to besides. This I desir you to assur my Lord Tarras of, and if ther is anie thing else that I can do for him lett me know it, and my indevors shall not be wanting. This is all att present from

SIR, your sarvant,

For Sir Williame Scot.

A. BUCCLEUCH.<sup>1</sup>

The Countess of Tarras pleaded with her husband to make a full confession of all that he knew of the plot, either concerning himself or others implicated, an advice which he followed, and his evidence was made use of

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



by the Government to procure the condemnation of Robert Baillie of Jerviswoode, who suffered on the scaffold :—

Desember 18, [16]84.

MY LORD,—For God saek, and if you have anny kindnes for me or for the sefty of my lief, as weall as the reگرد of your oun, be ingenius with the register as to all you knou, ether of your self or anny other. Giv as full ane account emediately as posibell ; and if you can remember anny further after, let the Lords knou all you can setsifie in. This I beg for your saftie, which is the only thing I am consend in in the world.

Yours in extremety of consern for your seftie,

For the Earl of Tarras.

HELEN TARRAS.<sup>1</sup>

Lord Tarras presented a petition to the King confessing his guilt, and expressing his resolution to submit to his mercy, his only hope being in his Majesty's clemency. In his written confession, made in December 1684, to the Lords of the Secret Committee, Lord Tarras narrates the conversations and correspondence which had taken place with Jerviswoode and others. He states that Jerviswoode told him that the Carolina emigration scheme was only a pretence, and that the true design was to press forward the people of England to take effectual measures for passing the Bill of Exclusion for setting aside the Duke of York and securing the Protestant succession. That Jerviswoode said to him that the King might be induced to consent if the Parliament would take sharp measures with him. Money was to be conveyed to Holland by Jerviswoode for the purchase of arms, and Archibald, Earl of Argyll, was to receive £10,000 sterling to enable him to act in concert with the rest of the confederates. After Jerviswoode proceeded to London, he corresponded with Tarras, giving him an account of the progress of the plot. The confession also implicated the lairds of Philiphaugh, Polwarth, and others.

Lord Tarras was brought to trial on 5th January 1685, and being found guilty, his dignities and estates were forfeited, his armorial bearings ordered to be torn, and he was condemned to be executed. The judgment, however,

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



was merely formal, as his confession had saved his life; and a remission having been granted in terms of a royal letter, dated 29th January, he was liberated under a bond for £3000 sterling for his appearance when called before the Privy Council. The bond of cautionry was signed on 4th February 1685.<sup>1</sup> The personal estate of the Earl was restored to him in April 1686, and in the following year he was reinstated in his honours and lands by a letter of Rehabilitation under the Great Seal, 28th June 1687. While the terms of the Rehabilitation were being arranged by the Earl of Melfort as Secretary of State, application was made by Lord Tarras to have the grant of his dignities in favour of himself and his heirs-male, which would have converted his original liferent into one of fee. But the restitution appears only to have been for life, the same as in the original patent.<sup>2</sup>

The Earl of Tarras married, as his second wife, at Edinburgh, on 31st December 1677, Helen, daughter of Thomas Hepburn of Humbie, in East Lothian. Through that marriage the descendants of Lord Tarras reaped more advantage than they did from his first marriage with the greater heiress of Buccleuch. The estate of Humbie now belongs to Lord Polwarth.

Of that second marriage there was issue five sons and five daughters, whose names are given in the Pedigree of the Scotts of Harden.

Lord Tarras died in the month of April 1693, in his forty-ninth year, when his life dignities became extinct. His eldest son, Gideon Scott of Highchester, under that name and designation, expeded a service as heir to him in the lands of Minto and others on 7th September 1694. From the second marriage of the Earl of Tarras is lineally descended Walter-Hugh Hepburn-Scott of Harden and Humbie, now sixth Lord Polwarth—a title which came to his grandfather, the late Hugh Scott of Harden, as the fifth Lord, through the marriage of his father, Walter Scott of Harden and Lady Diana Hume, third daughter of Hugh, third Earl of Marchmont, Lord Polwarth.

<sup>1</sup> Original Bond in Lord Polwarth's Charter-room.

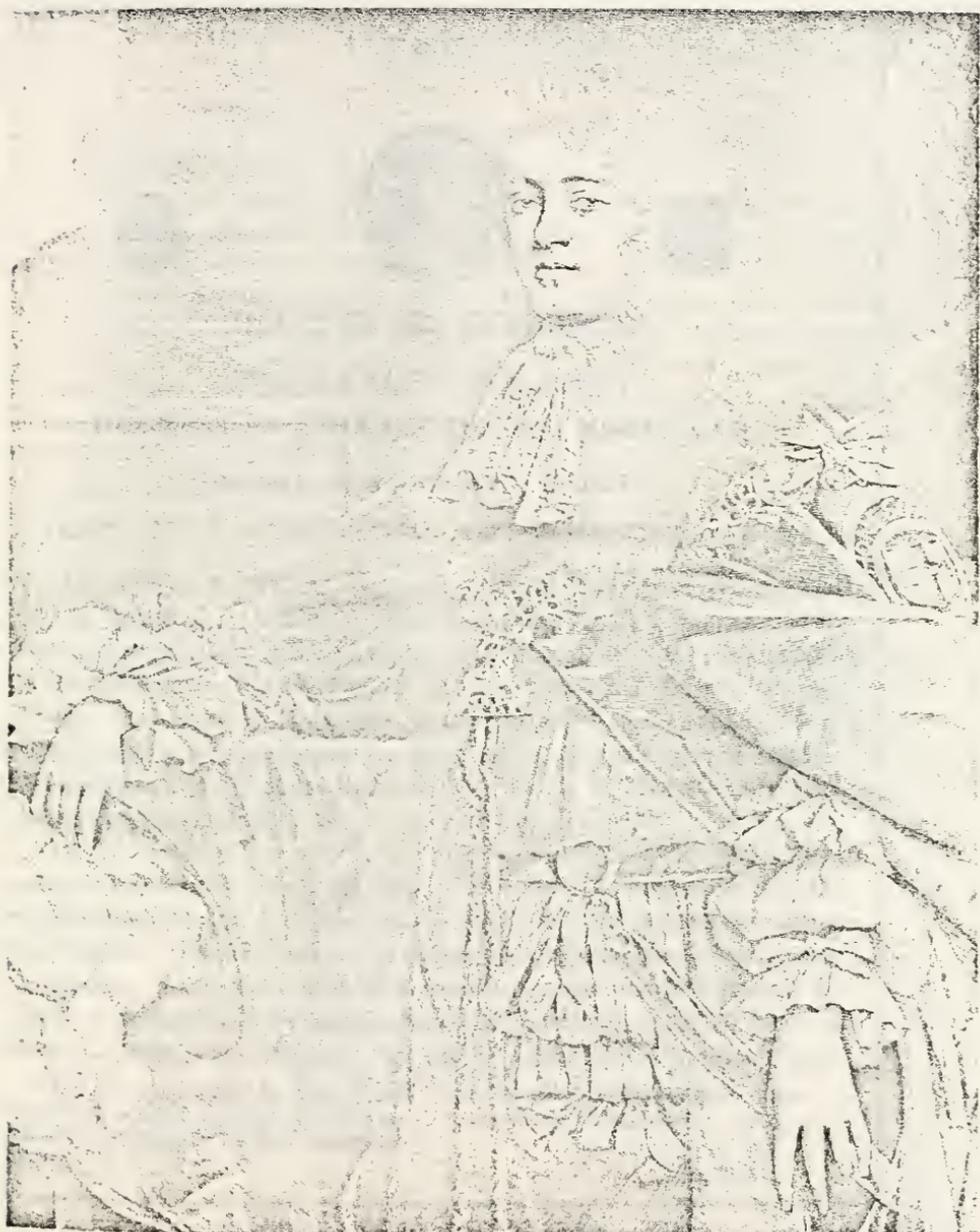
<sup>2</sup> Letters of G. Drummond, etc., in Lord Polwarth's Charter-room





ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH, B. 1651 D. 1732.  
WITH HER SONS JAMES EARL OF DONCASTER,  
AND LORD HENRY SCOTT, AFTERWARDS EARL OF DELORAINE.





*John of Monmouth & Elizabeth Earle of Devonshire, Gentleman of the Bedchamber & Gentleman of the Chamber to  
 the late King, Lord Lieutenant of the East Riding of Yorkshire, Governor of the Marine town & Citadel of Dunkirk,  
 upon which Queen's Choice in Case of all his Majesty's Chaces, Parks, and Warrens on the South side of Great Chancellors  
 & the University of Cambridge, M<sup>o</sup> of the Court in his Majesty's one of the Lord of his Majesty's most Honourable Council  
 of the City of London.*

*Knight of the most noble order of the Garter &c.*

*A. Blooming Esq.*





## CHAPTER SEVENTEENTH.

XVI.—2. LADY ANNA SCOTT,  
DUCHESS OF BUCCLEUCH AND MONMOUTH.

BORN 1651. SUCCEEDED 1661. DIED 1732.

JAMES, DUKE OF BUCCLEUCH AND MONMOUTH, 1649-1685.

LADY ANNA SCOTT, the third and youngest daughter of Francis, Earl of Buccleuch, was born at Dundee, on Tuesday, 11th February 1651. The occurrence of her birth at Dundee is accounted for by the circumstance of her father having been appointed, by the Committee of Estates, inspector of the troops levied in Forfarshire for the final effort made in the cause of King Charles the Second after the defeat of the Scottish army at Dunbar. His Countess, Lady Margaret Leslie, followed him to Dundee when the south of Scotland was overrun by the troops of the Commonwealth.

On the death of her sister the Countess Mary, in 1661, Lady Anna succeeded to the Peerage dignities of Countess of Buccleuch and the territorial earldom of Buccleuch, as the only surviving child of her father, Earl Francis. The incidents in the lives of the two sisters had in them much in common. Lady Anna Scott, like her sister, passed her early years at the Castle of Dalkeith and the mansion-house of Sheriffhall, removing thence to Wemyss Castle on the marriage of her mother to the Earl of Wemyss.<sup>1</sup> Both

<sup>1</sup> The tutors appointed by Earl Francis named the sum to be paid to the Earl and Countess of Wemyss for her maintenance

and education at 10,000 merks yearly.—  
Vol. ii. of this work, p. 315.



sisters were, in their childhood, surrounded by intrigues for the disposal of their persons and the control of their large inheritance. Both were married at an early age,—the Lady Mary at the age of eleven, and the Lady Anna at twelve. But here the resemblance ceases. The early death of the Countess Mary has been recorded in the preceding pages. Her sister, on the other hand, was destined to possess the dignities and estates of Buccleuch for the unusually long period of seventy years, having succeeded soon after the Restoration and lived during the reigns of six sovereigns. United to the brilliant and captivating Monmouth, the Lady Anna took at once a prominent position in the gay Court of King Charles the Second. Partaking freely of its more innocent gaiety, her native prudence kept her apart from the temptations of that licentious Court. No whisper of scandal ever assailed her. On the contrary, the contemporary writers who notice the Duchess of Monmouth, invariably speak in terms of respect of her admirable character and conduct. Evelyn notes her as “one of the wisest and craftiest of her sex.”<sup>1</sup> Another writer remarks that “her mind possessed all those perfections in which the handsome Monmouth was so deficient.”<sup>2</sup> Dr. Burnet relates that the Duke of York “commended the Duchess of Monmouth so highly as to say to me that the hopes of a crown could not work on her to do an unjust thing.”<sup>3</sup> But the bright promise of her youth was soon overclouded. Sir Walter Scott has depicted the Duchess in her castle of Newark giving a kindly welcome to the dejected minstrel, prompted by the remembrance of her own trials—

“The Duchess marked his weary pace,  
His timid mien, and reverend face,  
And bade her page the menials tell  
That they should tend the old man well.  
For she had known adversity  
Though born in such a high degree ;  
In pride of power, in beauty’s bloom,  
Had wept o’er Monmouth’s bloody tomb.”<sup>4</sup>

<sup>1</sup> Evelyn’s Diary.

<sup>2</sup> Memoirs of Count Grammont.

<sup>3</sup> Burnet’s History of his own Times.

<sup>4</sup> Lay of the Last Minstrel.



For the Courtesie  
of Wengess.





Whitshall 14 June. 1661.

Madame, I have receaved your letter  
of the 28 May by Witt Fleming, and  
am very sensible of the affection which  
you shew to me in the offer you make con-  
cerning the Countesse of Buccleugh, w<sup>ch</sup>

I do accepte most willingly, and the rather  
for the relation she hath to you, I will  
in a shorte time send more particularly  
to you about settling that whole affaire  
which I looke upon now as my owne interest,  
in the meane while I must thanke you againe,  
for it, and be most assured that I am,

Madame

Your very affectionate  
friend  
Charles B



The materials for writing the life of the Duchess Anna—so far as her correspondence has contributed to it—have been obtained from the collections at Wemyss Castle, Melville House, and those of Cromartie and Royston. These sources are in addition to the Buccleuch Muniments. A memorandum, written by Mr. David Scrymgeour of Cartmore, General Receiver to the Duchess, shows that about the year 1700 a large collection of letters, including a considerable number from the Countess of Wemyss, was at that time preserved among the Buccleuch Muniments. None of these letters are now known to exist. They were probably destroyed in the great fire in Edinburgh in the year 1700, when the Earl of Melville had his arm and hand severely burned while rescuing from the flames the Buccleuch Charters and more important documents, which narrowly escaped destruction.

The eagerness of the Earl of Rothes to obtain from the King the gift of the ward and marriage of the Countess Anna, and his success in securing it, have been related in the preceding Memoir. The subsequent action of Lady Wemyss regarding the marriage of her daughter is said by Highchester to have been mainly caused by her disappointment and vexation at the action of Rothes, and her fears that her brother would use the power he had obtained to arrange for the marriage of the Countess of Buccleuch to the son of the Earl of Tweeddale. However that may be, Lady Wemyss was determined that no time should be given for the arrangement of any rival scheme for the disposal of the hand of the Countess Anna. Only two months after the death of the Countess Mary, Lady Wemyss wrote to the King, and, although her own letter has not been preserved, the reply of his Majesty sufficiently shows its nature :—

MADAME,—I haue receaued your letter of the 28th May, by William Fleming, and am very sensible of the affection which you shew to me in the offer you make concerning the Countesse of Buccleugh, which I do accepte most willingly, and the rather for the relation she hath to you. I will in a shorte time send more particularly to you about settling that whole affaire, which I looke vpon



now as my owne interest. In the meane while, I must thanke you againe for it, and be most assured that I am,

MADAME,

Your very affectionate frinde,

Whithall, 14th June 1661.

CHARLES R.

For the Countesse of Wemyss.<sup>1</sup>

Lady Wemyss was much elated at the manner in which the King had received her proposal for the marriage of her daughter and his son, and on 25th July 1661, wrote to his Majesty as follows:—

MOST SACRAD SOUERAING,—I reseued your Maiestie's most grasious letir, and, by the expressions therof, acounts myself mor hapie then any thing els in the world cowlid haue maid me. I sell wat for your Maiestie's further comands conserning that perticuler, as becometh,

DRIED SOUERAING,

Your Maiestie's most deuoted and humble Seruant,

MARGARIT WEMYSS.

Elcho, 25th July 1661.

For the King's most Sacrad Maiestie.<sup>2</sup>

If the Countess hoped for an alteration of the gift of the ward and marriage in her favour, she was doomed to disappointment. On 25th August 1661, the King wrote to her:—

MADAME,—Since I saw you, I altered the gift of your daughter's ward, but I am confident you will not mislike it, when you consider it is for the aduantage of the family you are come of, and for a person I haue so greate kindnesse for, and who, I am sure, will be as carefull of your daughter as you can desire. I referre you to him to tell you what I haue further resolued in relation to that family, which will be euidence enough of the care I intende to haue of it. The rest will be tould you by the bearer; only, I assure you, you shall not haue reason to doute of the kindnesse of,

MADAME,

Your very affectionate frinde,

Whithall, 25th August 1661.

CHARLES R.

For the Countesse of Weems.<sup>3</sup>

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> Original Draft, *ibid.*

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



In order to insure the success of her project for the marriage of the Countess Anna and the Duke of Monmouth, and also to counteract any opposition by Rothes and Tweeddale, Lady Wemyss made overtures to Sir Gideon Scott, Sir William Scott of Harden, and Sir Gilbert Elliot for their assistance in promoting the marriage. At her invitation they proceeded to Wemyss Castle in order to consult with her as to the best measures to be taken. After imparting to them what she had already done, the Countess promised to be guided thereafter only by their advice in the matter of her daughter's marriage, and all her other concerns, which, says Sir Gideon. "they did neither regard nor believ." She told them that they "were the only persons of honour and integrity of all her daughter's tutors, and the other five tutors were but mercenary, and not to be trusted." She also promised that she would faithfully "study the setleing of her son-in-law, my Lord Tarras, his interest, and she doubted [not] but to effectuate that at his Majestie's hand, and that she had some assurance thereof already." To show her renewed interest in Lord Tarras, the Countess sent for him about that time to Wemyss Castle, and wrote to his mother, Lady Highchester:—"I haue kiept my Lord Tarras hier two or three uieks to bear my dowghter Bucleuch compeny, and to be at a Res<sup>1</sup> which a great many good compeny wer. I do cleim to gret ane interest in him, as I houpe ye will not tak it ill." She was "exceeding kind to him," says Sir Gideon Scott, "and promised to do great maters for him, all which turned to smoak."<sup>2</sup>

The promises and blandishments of Lady Wemyss were so far successful that Scott of Harden and Elliot of Stobs, two of the tutors of Countess Anna, granted a commission under their hands to Sir Gideon Scott, empowering him to proceed to London and further the marriage between the Countess Anna and Monmouth.

He was instructed to make application to the King by petition, information, or any other way which he considered most expedient for the honour

<sup>1</sup> Horse-racing was then common in the county of Fife.

<sup>2</sup> Information, by Sir Gideon Scott.



and advantage of the Countess of Buccleuch. Especially he was to "advance and promote" the intended marriage between the King's son and the Countess "as the most honourable and advantageous way of disposing of her, and for settling the discomposures of her familie, and dasheing the hopes of any who have hitherto or may hereafter attempt anything to the dishonour or prejudice of that lady, or the dissolution or embeazelling of her estate." If that could not be accomplished, the King was to be requested to interest himself in her disposal in marriage in some other quarter with "honour and advantage."<sup>1</sup>

The King having expressed his approval of the proposed marriage as in all respects a desirable match for his son, Lady Wemyss resolved to take the Countess Anna to London to be presented to his Majesty, and facilitate the arrangements for the marriage-contract. The King having been informed of her intention, wrote to her Ladyship signifying his entire approval of the proposed visit:—

Whithall, 7 Aprill 1662.

MADAME,—I could not lett this bearer returne to you without accompanying him with a letter. I haue not much to say to you now, because I finde you do intende to come hither with your daughter, which I do very much approve of; and then you and I will adiuste all things that shall be best for her and the estate. In the meane time be assured that I am, and euer will be,

MADAME,

Your very affectionate frinde,

CHARLES R.

For the Countesse of Weems.<sup>2</sup>

Lady Wemyss proceeded to London with her daughter in June 1662. The Countess Anna was then, says Sir Gideon Scott, "a proper, handsome, and a lively tall young lady of her age," and the King was very favourably impressed with her appearance. Sir Gideon asserts that those who were desirous of promoting a marriage with the son of the Earl of Tweeddale had

<sup>1</sup> Original Commission in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter at Wemyss Castle.



endeavoured to prejudice the King against the Lady Anna, by representing her as of "low stature, weaknesse and infirmities of body, and uncomelinesse." But her presence at Court dissipated these misrepresentations, and confirmed the King's resolution to proceed with the marriage.

The Countess of Wemyss was so well received, and treated with so much consideration by his Majesty, that she could dispense with the aid of Sir Gideon Scott and the tutors who had supported him, and her promises to further the interests of the Earl of Tarras were speedily forgotten. Besides, the direction which her hopes had now taken would be fatal to the expectations of Lord Tarras. The plan which Lady Wemyss had now formed, and which Sir Gideon says she was sanguine of carrying into execution, was, that after the marriage, the Duke of Monmouth should be sent abroad to travel for some years, and be maintained upon the King's charges, and her daughter return to Scotland and reside at the Wemyss with her mother until she was twenty-one years of age. The rents of the Buccleuch estates would then be uplifted by the Earl and Countess of Wemyss for the maintenance of the Countess Anna. These expectations of Lady Wemyss and her husband will sufficiently explain her forgetfulness of the claims of Lord Tarras, as any allowance to him would be taken out of the Buccleuch estates, and would be, says Sir Gideon Scott, "a curtailing of the prey which they in their fond hopes had swallowed."<sup>1</sup>

The Earl of Rothes had for a time favoured the pretensions of the Earl of Tweeddale for a marriage between his son and the Countess Anna, but finding the King resolved on her marriage with the Duke of Monmouth, he co-operated with his sister in promoting that alliance. He was now rising in favour with King Charles, and by this course he still further ingratiated himself with his Majesty. Almost immediately after the marriage-contract was signed, Rothes was appointed his Majesty's Commissioner to the Scottish Parliament, which met on the 18th of June 1663.

The settlement of the terms of the contract of marriage had now to be

<sup>1</sup> Information by Sir Gideon Scott.



arranged, and for that purpose Sir Thomas Wallace, one of the legal advisers of the Countess, and Sir John Gilmour, President of the Court of Session, proceeded to London to give their advice. On behalf of the Countess of Buccleuch, Sir Thomas Wallace proposed that whatever estate the King settled on the Duke of Monmouth should be provided to the heirs-male of the marriage; whom failing, to the heirs-male of his body; whom failing, to the eldest heir-female of the marriage; that, previous to the contract, letters of legitimation should be issued in order that the Duke might be enabled to dispose of his own estate, offices, and dignities; and that he and his heirs should take the name and bear the arms of Buccleuch. Provision was also made for the daughters of the marriage.

The Countess of Buccleuch undertook on her part to dispo<sup>n</sup>e her whole estate to her husband and herself in conjunct-fee, and to the heirs-male of the marriage; whom failing, to the heirs-male of her own body; whom failing, to the eldest heir-female of the marriage; whom failing, to the eldest heir-female of her own body. In case she should die without issue within a year and a day of the marriage, she was content that he should have the life-rent of the estate. The Countess was also willing, on arriving at majority, to grant a new disposition of the estate to the heirs of her husband, failing heirs of her own body. The third part of the rent was to be reserved, to be disposed by her as she saw fit.<sup>1</sup>

These proposals on the part of the Countess of Buccleuch were considerably modified in the contract of marriage which was finally adopted. Lady Wemyss offered the heritable title of the whole estate to the Duke of Monmouth, failing heirs of the Countess's own body, which was accepted on his behalf. Sir Gideon Scott had, as previously related, been armed with a commission by Sir William Scott of Harden and Sir Gilbert Elliot of Stobs, at the instance of the Countess of Wemyss, to interfere in the negotiations for the marriage. He accordingly warned Lady Wemyss to beware lest

<sup>1</sup> "Proposals for the Countesse of Buccleuch, Oct. 18, 1662," in Lord Polwarth's Charter-room.



while she apparently secured the succession to the Buccleuch estates to the Duke of Monmouth, she might legally give it up to Lord Tweeddale's children, since there was a clause in the bond of tailzie, by virtue of which no heir-female succeeding to that estate and dignity could dispoise, alienate, sell, or wadset any part of the estate in prejudice of the next heir of entail, under the penalty of forfeiture of any title or claim to the same.<sup>1</sup> He was not unmindful of the claims of the Earl of Tarras, who had been infested in liferent in the lands through which it was alleged the ward and marriage fell to the Crown. Sir Gideon proposed that in any settlement with the Earl of Rothes, an arrangement should be made by which Lord Tarras, on receiving compensation, should devolve his title and claims to his liferent of £4000 sterling yearly upon the Duke of Monmouth. The reduction of the marriage-contract of Lord Tarras, as fully explained in the Memoir of the Countess Mary, disposed of his claim to the liferent lands, and an arrangement with him was no longer necessary.

The advice given by Sir Gideon Scott was not acted on by those who had now taken the management of the negotiations, and he was not present at any of the meetings except the first. The Countess of Wemyss was now acting with the Earls of Rothes and Lauderdale, and the interests of the Earl of Tarras, as represented by his father, were laid aside.

The marriage-contract, as finally arranged, bears date at Whitehall and Edinburgh, 15th and 20th April 1663. The parties to the contract are King Charles the Second, taking the burden upon him for James, Duke of Monmouth, his son, and the Duke, with advice and consent of his Majesty, on the one part; and Anna, Countess of Buccleuch, with advice and consent of John, Earl of Rothes, President of his Majesty's Secret Council of Scotland, Hugh, Earl of Eglinton, George, Earl of Winton, David, Earl of Wemyss, Alexander, Earl of Leven, Alexander, Lord Montgomerie, George, Lord Melville, Sir William Scott of Harden, Sir Gilbert Elliot of Stobs, Thomas Scott of Whitlade, Mr. Thomas Ross, Mr. Laurence Scott of Babilaw, and

<sup>1</sup> Information by Sir Gideon Scott.



Robert Scott of Harwood, her curators, and also with consent of Margaret, Countess of Wemyss, her mother.

The King bound himself and his heirs to provide £40,000 sterling, to be invested in the purchase of land within the kingdom of Scotland, in favour of the Duke of Monmouth and the heirs-male of the marriage; whom failing, to the heirs-male of his body; whom failing, the eldest heir-female of the marriage; whom failing, the heirs of his body whomsoever; whom failing, to return to his Majesty and his heirs. It was provided that if the Countess were the survivor she should possess the lands thus purchased during her lifetime, or the interest of the price if the purchase were not made.<sup>1</sup>

The Countess of Buccleuch, on the other hand, bound herself, her heirs and successors, to make resignation of the lands, title, honour, and dignity of the earldom and lordship of Buccleuch, for new infestment thereof to be made to the Duke of Monmouth and herself, in conjunct-fee or liferent, and the heirs-male of the marriage; whom failing, to the eldest heir-female of the marriage; whom failing, to the eldest heir-female of her body whomsoever; whom failing, to the Duke of Monmouth and the heirs-male of his body whomsoever; whom failing, to the eldest heir-female of his body; whom failing, to his heirs and assignees whomsoever. It was provided that the Duke and his successors to these honours and estates should assume the surname of Scott, and bear the arms of Buccleuch.

It was further provided that this resignation and infestment should not prejudice the Countess of Buccleuch, or the heirs of her body, in their right of succession; and that the consent of the Countess of Wemyss to the contract should not prejudice her liferent and lands provided to her by her late husband, Francis, Earl of Buccleuch.

<sup>1</sup> This undertaking on the part of the King was not carried out. But the Duchess, after the death of Monmouth, received from the Crown payment of a jointure or pension of £4000 per annum. Referring to the payment of arrears of her jointure—apparently during

the reign of Queen Anne—the Duchess writes to Lord Royston:—"The Queen has been verie kind to me, for it is not often that fourteen thousand pounds are all payed at one time."—Original Letter in Buccleuch Charter-room.



In the event of an heir succeeding to the honours and estates, and if the Countess survived her husband, she became bound to denude herself in favour of the heir of the marriage, of the lands of Buccleuch, except the sum of £5000 sterling yearly in liferent, for payment of which she was to retain certain lands specified. If the Countess predeceased her husband, her heirs were to have no right to his moveables. Provision was also made for the daughters of the marriage.<sup>1</sup>

The Earl of Rothes having received from the Crown a gift of the ward and marriage of the Countess of Buccleuch, a special contract had to be made with him. Sir Thomas Wallace, the legal adviser of the Countess, suggested that Rothes might discharge his rights of the ward and marriage as consentor to the contract of marriage, or by a separate contract and also by a simple discharge. By the agreement finally concluded and subscribed by the curators, the Earl of Rothes received £1000 sterling yearly for nine years, besides the cancelling of a debt of £3000 sterling, which he owed the Countess of Buccleuch.

A letter written by Rothes to the King, shortly after he received the gift, shows that he had engaged with his Majesty not to interfere in the disposal in marriage of the Countess Anna. He avows that he had promised to endeavour to bring about a marriage between the Countess and his brother-in-law, the son of the Earl of Crawford and Lindsay. The letter of Rothes is in the following terms :—

Edinburgh, the 13th [1663].

MAY IT PLEAS YOUR MAJESTIE,—Though your Majestie's fauore to me in ordereinge my name to be put in the gift of uard of mariage of the nou Countes of Buccleughe, be fare aboue uhat I euere uas so hapie as to deserue, yet I durst not haue aduentured on this high presumption off giuinge your Majestie this interuption of my inconsiderable acknowledgments iff I hade not beine ordered by your Majestie's positieue commands to giue assurances that I shall not medill as to the dispossell of my neice without your Majestie's commands, which I shall in all

<sup>1</sup> Original Contract in Buccleuch Charter-room.



humilitie humbly beege your Majestie to belieue me uncapabill of disobeyeinge; nather can any ingagmente stand in the uay of so absolute a deutie. Bot the only tye of that natuer I was under was to my father Craford for the usseing of my endeauers for his sonne, which I was ingaged to doe, not only since the death, bot emediatly affter the mariage of the nou dead Ladie. Bot I haueing nou desired to be released from my ingagements to him, he hes most willingly condeshendite, whateuer his disapointments may be, so that your Majestie's comands shall be no shonner made knoun to me in this or anie thing els, then in all humilitie obeyed by

Your Majestie's

Most humble, fathfull, and obedieant Seruantt,

ROTHES.

For the Kings most Excelent Majestie.<sup>1</sup>

On completing her twelfth year, the Countess Anna, on the 11th of February 1663, nominated by commission the following curators:—The Earls of Rothes, Eglintoun, Wintoun, Wemyss, and Leven; the Lords Montgomerie and Melville, Sir William Scott of Harden, Sir Gilbert Elliot of Stobs, Thomas Scott of Whitslaid, Robert Scott of Harwood, Mr. Laurence Scott of Bawilaw, and Mr. Ross, Governor to the Duke of Monmouth; and for her curators-in-law, Sir John Nisbett and others. These curators were nominated by the Countess at the request of her mother, Lady Wemyss, as being acceptable to her brother, the Earl of Rothes, and the Earl of Lauderdale. In obedience also to her mother, the Countess Anna nominated such lawyers for the management of her affairs as were agreeable to her mother.<sup>2</sup>

The Duke of Monmouth nominated for his curators the Earls of Rothes, Lauderdale, and Tweeddale, the Lords Cochrane and Bellenden, Scott of Gorrinberrie, Thirlestane, and Mangerton; and the English curators were Lord Fitzharden and Mr. O'Neil, of whom five were to be a quorum, and Lord Rothes or Lord Cochrane to be *sine quo non*.<sup>3</sup>

About the beginning of April 1663, the celebration of the marriage of the

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> Information by Sir Gideon Scott.

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



Countess Anna with the Duke of Monmouth was fixed to take place on the 19th of that month ; and the contracts of marriage and of the ward having been subscribed by the parties themselves, and by the Earls of Wemyss and Leven at London (but not by the Earl of Rothes, although he was present), they were sent immediately to Scotland, to be subscribed by the rest of the curators there, who had been previously advertised to meet and be ready to append their names to the documents. The Earls of Eglintoun and Wintoun, Lord Montgomerie, Stobs, Harwood, and Bavailaw having met in the Countess's chamber in Edinburgh, the two contracts were produced by Neil Montgomerie, who had brought them from London, and who informed the curators that he had peremptory orders to return with the contracts subscribed by them before the 19th of April, when the marriage was to be celebrated. On the day following that meeting, all the curators named, with the exception of Sir William Scott of Harden and Thomas Scott of Whitslaid, were present, and along with them were Sir John Gilmour, President of the Court of Session, by whose advice the marriage-contract had been framed, Sir John Nisbet, afterwards Lord Advocate, and Sir John Fletcher, then Lord Advocate. The curators subscribed both the contract of marriage and the contract between the Countess Anna and her uncle, the Earl of Rothes, for her ward and marriage.

The contracts having been subscribed at Edinburgh, Sir John Gilmour moved that they should be sent to Sir William Scott of Harden and Thomas Scott of Whitslaid, in order to their being subscribed by these curators also, since, although advertised, they had not come to the meeting. But to this it was answered, that as they would not subscribe the contracts, it would only take up time needlessly to send these documents to them. Accordingly Neil Montgomerie was despatched to London with the contracts, and arrived the night before the marriage. The contracts were committed to the custody of the Earl of Lauderdale.<sup>1</sup>

Previous to the celebration of the marriage, the King, on 14th February 1663, created his son—who had been previously knighted under the name of

<sup>1</sup> Information by Sir Gideon Scott.



Sir James Scott—Baron Scott of Tindall, Earl of Doncaster, and Duke of Monmouth. The patent narrates that the King, taking into serious consideration that Sir James Scott, knight, was a young man of the highest promise, whose uncommon abilities resulted not from his years but from the growth of virtuous principles, and with whose very early maturity of understanding and suavity of manners, his Majesty was well acquainted; and having, moreover, an anxious concern, on account of the singular affection wherewith he cherished him, that nothing should be wanting to him that might act as a spur and incitement to him in his zealous prosecution of a course of virtue, so that the career on which he had so hopefully and auspiciously entered might, by the blessing of God, at length be brought to the wished-for termination, and that he might fulfil the expectations which his Majesty had formed respecting him, invested him with these honours. The destination of the dignities was to heirs-male of the body of the Duke, and the investiture was to be performed by girding him with a sword, and putting upon his head the cap of honour and circlet of gold, and the delivery of a wand of gold.<sup>1</sup> A tradition referred to by Crawford, in his *Life of Monmouth*, is that he was first created Duke of Orkney. But that is a mistake. According to the warrant under the hand of King Charles the Second to the Attorney-General to prepare the bill for the patent, the barony named is Fotheringay, which was changed in the patent to Tindall.<sup>2</sup> On 28th March following his creation, the Duke of Monmouth was elected a Knight of the Order of the Garter.

The marriage of the Countess Anna with James, Duke of Monmouth, was celebrated on 20th April 1663. "The marriage feast stood at London," says Lamont, "in the Earl of Wemys howse, being ther for the tyme, wher his Majestie and the Qwene were present with diuers of the Cowrt."<sup>3</sup> The union of Monmouth with the "charming Annabel" is noticed by Dryden in

<sup>1</sup> Patent Roll, 15, Charles II., Part I.

<sup>2</sup> Original Warrant, dated at Whitehall, 10th November 1662.—State Papers, Domestic, Charles Second, vol. lxiii. Nos. 1-15.

<sup>3</sup> Lamont's Diary, p. 161.



his "Absalom and Achitophel," in the passage containing a description of the Duke's person :—

"Of all the numerous progeny was none  
So beautiful, so brave, as Absalom.

Early in foreign fields he won renown  
With Kings and States allied to Israel's crown :  
In peace the thoughts of war he could remove,  
And seem'd as he were only born for love ;  
Whate'er he did, was done with so much ease,  
In him alone 'twas natural to please :  
His motions all accompanied with grace ;  
And paradise was open'd in his face.  
With secret joy indulgent David view'd  
His youthful image in his son renew'd :  
To all his wishes nothing he denied,  
And made the charming Annabel his bride."

Of the Duchess it is said by a contemporary, whom we have already quoted, "Her person was full of charms, and her mind possessed all those perfections in which the handsome Monmouth was so deficient."<sup>1</sup>

By patent dated 20th April 1663, being the day of his marriage, Monmouth was created Duke of Buccleuch. The patent narrates that whereas there appeared the greatest hope of the noble and high-spirited character and capacity of James, Duke of Monmouth, and knowing the benefit he might confer on the business and affairs of Scotland, wherein his private interest was not a little concerned, and also to amplify and augment with a further accession of honour that family now connected with him by a tie of affinity, the King constituted and created him Duke of Buccleuch, Earl of Dalkeith, and Lord Scott of Whitchester and Eskdaill. The limitation was to heirs-male begotten between him and Anna, Countess of Buccleuch ; whom failing, the

<sup>1</sup> *Memoirs of Count Grammont*, vol. iii. p. 165.



heirs whomsoever of her body who should succeed to the estate and earldom of Buccleuch.<sup>1</sup>

The patent was passed under the Great Seal on the 8th July 1663, and was produced before the Scottish Parliament, at Edinburgh, on the 10th of the same month, and "being read in open Parliament, and the Estates with all duetie and humility acknowledging his Maiesties grace and favour to the said Duke, the Lord Commissioner delivered the said patent to the Earle of Eglintoun, who, in name of the Duke of Buccleuch, received the samen upon his knees."<sup>2</sup> It was also exhibited by his Majesty's Commissioner in presence of the Lords of the Privy Council of Scotland, on 25th August following, and having been publicly read by the Clerk of Council, was delivered by the Royal Commissioner to the Earl of Eglintoun, who received it in name of the Duke and Duchess of Buccleuch.

In the following year, 13th October 1664, a Crown Charter was expedie in favour of James and Anna, Duke and Duchess of Buccleuch and Monmouth, and the longest liver of them, in liferent, and their heirs-male, and the other heirs as in the contract of marriage, in fee, of the title of Earl and Countess of Buccleuch, and also of the family estates. This charter proceeded upon the procuratory of resignation contained in the contract of marriage, dated 15th and 20th April 1663.<sup>3</sup>

In the year 1666, while Monmouth held the titles of Duke of Buccleuch and Earl of Dalkeith, etc., personally, under the patent of 20th April 1663, and the Duchess merely enjoyed her title of Duchess by the courtesy as the wife of the Duke, they both resigned these titles, and the original titles of Earl and Countess of Buccleuch, which they also held under the charter of

<sup>1</sup> Original Patent in Buccleuch Charter-room, and duplicate of the patent also preserved in the Public Record Office, London, Domestic Miscellaneous, No. 234. The latter is beautifully illuminated, and has a portrait of King Charles the Second painted in the centre of the C of Carolus.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. vii. p. 454.

<sup>3</sup> Original Charter, Precept of Sasine of same date, two Instruments of Resignation, dated 24th June and 5th August 1664, and Sasine, dated 6th May 1665, all in Buccleuch Charter-room.



For the right handle  
the Card of Memory  
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My Lord

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Whitehall  
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My Lord

about ten dayes since, the King was pleas  
to write, either to my L<sup>d</sup>. Compt<sup>r</sup>, or to my Lord. Rauden Dale,  
to have an Act to pass, to confirme my Contract. I hope it will  
not be neglected, but least their much business should put it  
sometime out of their thoughts, I begge the favour of yr. L<sup>ty</sup>.  
to minde the L<sup>d</sup>. Compt<sup>r</sup>, or whom else you please for mee, that  
no time may be lost in it. m<sup>e</sup>. R<sup>es</sup> will informe your L<sup>ty</sup> of  
what else concerns mee, I shall therefore add no more but that  
I am

My Lord

yr. L<sup>ty</sup>'s

very humble servant

Monmouth

Whitehall  
July 11<sup>th</sup> 1663.



1664, into the hands of the Crown for a new grant. The family estates were also resigned at the same time. This regrant was made by charter under the Great Seal, dated 16th January 1666, to James, Duke of Buccleuch and Monmouth, Earl of Dalkeith, Lord Scott of Whitechester and Eskdail, and Anna, Duchess of Buccleuch and Monmouth, his spouse, and the longer liver of them, in conjunct-fee and liferent, and to the heirs begotten between them; whom failing, to the heirs-male of her body. This charter also contains a *novodamus*.<sup>1</sup> The regrant now quoted vested the title of Duke of Buccleuch, Earl of Dalkeith, etc., and the old title of Earl of Buccleuch, in the Duke of Monmouth; and also the title of Duchess of Buccleuch, Countess of Dalkeith, etc., and the older title of Countess of Buccleuch, etc., in the Duchess, conjunctly and severally, and independently of each other in the event of death, forfeiture, etc. The rights of the Duchess to the ducal honours were thereby extended from the mere courtesy, as the wife of the Duke, to the vesting of them in her own person by express grant and creation, in the same way as she had inherited her own family title of Countess of Buccleuch previous to her marriage, and under the regrant of her own titles in 1664.

The forfeiture of Monmouth in 1685 did not affect the title of the Duchess of Buccleuch, but it was considered advisable to anticipate and set at rest any doubts which might arise as to the succession after her death. In order to secure the succession to her children, a resignation and regrant were made in 1687, as already stated.

The doubts suggested by Sir Gideon Scott as to the validity of some of the clauses in the marriage-contract were found to have been well grounded, and measures were soon taken to procure the ratification of the contract by the Scottish Parliament. On this subject the Duke of Monmouth wrote soon after the marriage to the Earl of Wemyss:—

MY LORD,—About ten dayes since, the King was pleas'd to write, either to my Lord Commissioner or to my Lord Lauderdale, to haue an Act to pass to confirme my contract. I hope it will not bee neglected, but least their much buisness

<sup>1</sup> Original Charter in Buccleuch Charter-room.



should put it sometime out of their thoughts, I begge the fauour of your Lordship to minde the Lord Commissioner, or whom else you please, for mee, that no time may bee lost in it. Mr. Ross will informe your Lordship of what else concernes mee. I shall therefore add no more, but that I am,

MY LORD,

Your Lordship's very humble Seruant,

MONMOUTH.

Whitehall, July 11th, 1663.

For the Right Honorable the Earle of Wemys.—These.<sup>1</sup>

The Earl of Rothes, on his arrival in Scotland as Commissionier to the Scottish Parliament, and previous to taking proceedings in Parliament for the ratification of the contract, brought the case before the Court of Session. It was argued before the Lords of Session in September 1663, and they unanimously agreed that, on account of the strictness of the entail, the marriage-contract could not secure the Buccleuch estate to the Duke of Monmouth, nor could their Lordships devise any way to secure it to him. But if the Countess Anna lived with him for a year and a day, he might, though there were no children of the marriage, legally liferent the whole estate. In answer to a question by the King's Commissionier, whether an Act of Parliament ratifying the contract would not secure the estate to the Duke, their Lordships answered that his Majesty might pass such an Act, but that such procedure would be contrary to the fundamental laws of the kingdom. Patrick Scott of Langshaw, in a letter to Sir William Scott of Harden, gives the following account of the proceedings of the Court of Session :—

Edinburgh, 10th September 1663.

MUCH HONORED,—Having formerlie written to your brother Sir Gideon, since his homecomeing, of the serious consultations haith bene these ten dayes bygaine, anent the Duke of Monmoth his contract of mariage, and this day having attained to the perfyte knowledge of thir debaitis (which wer only endit

<sup>1</sup> Original Letter at Wemyss Castle.



yesternight), I thought fitt with this occasion to give your Lordship ane breif accompt therof as it wes relatit to me by ane persone of qualitie ther present, who informes me that the first thing proposed by the Comissioner to the Lordis of Session and advocatis then conveyned, wes whither or not the Duke of Monmoth's contract did sufficientlie secure the Countes of Buckcleuch's estate to him, failzeing of aires of the mariage. To the which it wes answerit vnanimouslie, that haveing persved the tailzie and the contract of mariage, thay fand the Duke of Monmoth could nowayes be secured by his contract. 2nd, It wes desyred by his Grace that thay wold find some way for secureing the Duke in the said estate, to which it wes answerit (efter frequent and serious consultationes), that thay could find no way to secure the Duke in the said estate; bot thay gave their opinion that the Countes liveing yeir and day with the Duke (altho no childrene procreat) he micht legallie lyfrent the whole estate by the courtisie of Scotland. This wes Sir John Gilmoore's judgement att that consultatione. 3rd, It wes offered to their consideration if ane Act of Parliament ratifieing the contract of mariage micht not secure that estate to the Duke. To the which it wes answerit that his Majestie micht mak such ane Act, and for better certifeing therof, micht obtene Tweddailis consent therto; bot the same wold altogither invert the fundamentall law of the kingdome, which wes hopit his Majestie wold be tender of, for thay fand the tailzie so strict that onles the fundamentall law wer takin away, Tweddailis sounne or any vther the nixt air of tailzie micht justlie challenge the implement and fulfilling of the said tailzie. Which propositiones and resolutiones wes to be tendered be the Comissioner to his Majestie, to doe therin quhat he thought fitt; and for that effect one Henrie M<sup>c</sup>Kie is gone away expres this morneing. Thus haveing gevin your Worship ane punctuall accompt of that bussines (to the best of my memorie) as it wes relatit to me, I humble desyre, efter reading heirof, ye will be pleased to dispatch the same to your brother Sir Gideon, of whois interes Sir George Lockhart is not forgetfull, and to quhom he haith his love and service presentit heirby.

This from, SIR,

Your Worship's most ingaged Servand,

PATRICK SCOT.

For the much honored Sir Williame Scott of Harden.—These.<sup>1</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



Notwithstanding the unwillingness shown by the Court of Session that an Act of Parliament should be passed confirming the marriage-contract, the King was fully resolved to take that course. Endeavours were made by Sir Robert Moray to persuade his Majesty against such a measure. Mr. Thomas Ross, governor to the Duke of Monmouth, and one of the Countess of Buccleuch's curators, describes the feeling of the Court at London, and states that all were "astonished at the insolence of those that oppose the business."<sup>1</sup> Perceiving the disfavour into which his opposition would bring him with the King, Sir Robert Moray at last put into his Majesty's hands a paper of advice as to how the Act should be drawn; but that paper was not used, the Lord Chancellor and Secretary Bennet having drawn up instructions for the Commissioner to cause the Act to pass.

Lady Wemyss, while present with her daughter in London, did not neglect to do what she could to obtain the passing of an Act of Parliament for rendering secure the estates of the Duke of Buccleuch and Monmouth and the Duchess. Thomas Ross, in the letter to the Earl of Wemyss from Oxford, just now quoted, writes—"On Wednesday next the King resolves for London, where I hope his Majesty will settle my Lady Duchess's family before my Lady Wemyss leaves her. We shall otherwise be in a loose condition."

Mr. Ross, in a letter to the Countess of Wemyss, dated Oxford, 29th September 1663, writes on the same subject. Referring to the instructions sent to the Lord Commissioner, he says, "We here judge the instructions to be very firm and binding;" and he expresses a hope that after their perusal they would be judged sufficient to secure all.

The decision of the Lords of Session, and their opposition to the passing of an Act of Ratification, were very displeasing to the King. Mr. Ross adds—"I believe when your Ladyship next sees his Majesty, you will see how sensible he is of the cheat put upon him by Gilmore; and certainly the

<sup>1</sup> Letter of Thomas Ross to the Earl of Wemyss, Oxford, September (1663), at Wemyss Castle.



world will think it strange if he that hath put so great an abuse upon his King, should continue President of his Judicature. We have told all stories we can find of him; and if your Ladyship can supply us with any new matter, I will be most diligent to work upon it." Mr. Ross hoped to have the honour to see her Ladyship in London.<sup>1</sup>

At last, on 5th October 1663, an Act in ratification of the contract of marriage betwixt the Duke and Duchess of Buccleuch was passed by the estates of Parliament, setting aside the provision of the bond of tailzie, and altering the destination of the dignities and estates of Buccleuch, so that the heirs-male of the Duke of Monmouth might succeed on the failure of heirs of the Duchess Anna. The Act prohibits the Lords of Council and Session from granting or sustaining any process at the instance of any persons attempting to enforce the provisions of the bond of entail of 1650.<sup>2</sup>

Upon the passing of this Act of ratification, Sir George Lockhart wrote to Sir Gideon Scott of Highchester the following letter:—

Edinburgh, 6 October 1663.

MUCH HONORED,—I dowbt not bot yow are verie weill acquaintit with the wayes that wer at last resolved vpon for the securitie of the Duke of Monmoth. That ratificatioun which wes formerlie offered, and quhervpone the Lords of Session did give their judgement, is now past be Parliament in much more ample and extendit termes, with ane expres derogatioun to any former band of tailzie. Sir, in my apprehension, the ratificatioun does not prejudge any pretence of interes the Erle of Tarras hes to that estate; bot how farre the greatnes and interes of the Duke may counterpoyse it, I must be in suspense till I speak with yourself. Sir, as tutching that bussines, how farre it may import as to some that have bene silent to it, I confes with me is a misterie of State, which, in its owin tyme, may be visible and evident. Sir, I am weill satisfied to vndirstand of your health and happines, and am desyreous to have ane opportunitie of waitinge vpon yow, to vndirstand from your own mouth that of your concerne. For my own part I have so great ane resentment of these favours yow have bene pleased to putt vpon me,

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> The Acts of the Parliaments of Scotland, vol. vii. p. 494.



that no interest quhatsomever shall mak me remitt these services which I ow, and are adebitt to your self and familie, and vpone this assurance that I have gevin yow, I rest

Your most oblidged and humble servant,

GEORG LOCKHART.

For the Richt honorable, Sir Gideon Scott of Haychesters.—These.<sup>1</sup>

If Lady Wemyss expected that after the marriage the Duchess would be placed in her custody until her majority, she was soon undeceived. On informing the King of her intention to return to Scotland, she discovered that his Majesty had resolved that the Duke and Duchess of Monmouth should remain at Court. The presence of the Countess of Wemyss in London afforded great pleasure to her daughter, who was desirous to retain her there as long as possible. Some weeks after her marriage the Duchess writes to her stepfather, the Earl of Wemyss,—“I have obeyed your Lordship’s comands in keping my Lady merie;”<sup>2</sup> and a few months afterwards she writes to him, expressing her regret at the intended departure of her mother for Scotland:—

September 12 [1663].

MY LORD,—I have resaved your Lordship’s kend lettr. If I could be with you at ane wish, I should be so often with your Lordship that you should not nid to wrat to me, nor I to yow. Remembr my love to my brother and my suit sistr. I should wish your Lordship had bin hir, for I am ashourd that you had not given my Lady leve to part woth me so soun ass shi dos intend to do, which your Lordship may know will be the gratest gref to me of anie theng in the world which your presence wold a prevented, which wold a bin the gretest joy that could a com to hir who is, my Lord, your Lordship’s most obedient dawghter,

ANNA BUCCLEUCH AND MONMOUTH.

My brother Elho presents his humble deuti to your Lordship.

For the Right Honrable the Earll of Wemyss in Fife, Scotland.<sup>3</sup>

<sup>1</sup> Original Letter in Lord Polwarth’s Charter-room.

<sup>2</sup> Original Letter, dated 4th June 1663, at Wemyss Castle.

<sup>3</sup> Original Letter at Wemyss Castle.



For several weeks after the date of the preceding letter, the Duchess enjoyed the society of her mother, who continued in London longer than she had at first intended. The presence of her brother, Lord Elcho, to whom she refers in the postscript of the letter, afforded her additional gratification. Ten days after, she again writes to the Earl of Wemyss:—

Strand, September 22 [1663].

MY LORD,—I could not bot let you know of ane verie fine galant I have gotn senc the Duke want with the King, to carie me to the play. It is my brother Elho. Hi dos love them verie well, and verie oft wi do wish your Lordship with ous. Remember my serves to my sistr Lady Margrat, and ever estim me, my Lord, your Lordship's most obedent daughter,

ANNA BUCCLEUCH.

I do wish your Lordship war hir, that you might kep my Lady with me all thes wenter, for shi dos intend to go much to soun.

For the Earll of Wemyss.<sup>1</sup>

The correspondence of the Duchess with the Earl of Wemyss extends over a period of sixteen years, and she invariably writes to him in terms of much respect and warm affection. He uniformly treated her as if she had been his own daughter, and she acted towards him as if he had been her own father. Her letters to him are generally dated from Whitehall. She desires often to put his Lordship in mind of her, for none could think of anybody more than she did of him; and while she lived she should ever be his Lordship's most affectionate daughter and humble servant.<sup>2</sup>

"I am glad to hir that my litle brother is so fin a man. I hope to see him a brave man as anie in the world."<sup>3</sup>

"I hop in God that you and I shall be as moerie as ever wi wass."<sup>4</sup>

"I am ashemed that my Lady and your Lordship should thank me for so pour a present as that I sent you wass."<sup>5</sup>

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>4</sup> Original Letter, dated 11th September

<sup>2</sup> Original Letter, dated 29th March 1665,  
at Wemyss Castle.

1665, at Wemyss Castle.

<sup>3</sup> Original Letter, dated 10th May 1665,

<sup>5</sup> Original Letter, dated 19th July 1666,

*ibid.*

*ibid.*



"My wankle tels me that my brother is gron the boniest litle man that hi ever did se, and I am extremly glad to hear it. I hop in God that hi shall be a confort to your Lordship and my Lady, when you are both a hunder yirs olod."<sup>1</sup>

The spelling in these letters shows how much the education of the Duchess had been interrupted by her early marriage, and the want of subsequent opportunity in the gay Court of King Charles the Second to complete her education. The defect of spelling continued through life, but the substance of the letters often displays considerable ability and aptitude for business.

In a letter to the Earl, accompanied with a small token of her affection, apparently a gold ring or a locket with a flint stone, the Duchess alludes to her mother's presence with her :—

Strand. 25 August 1663.

MY LORD,—I wold wret muche oftener to you, bot that my Lady's leter serves ous both. I hope your Lordship will never dout of my kendnes to your Lordship. I shall ever be sencable of your respect and love to me. Resave thes tokene, and wer it for me. It is worth litle, bot it is rar ; it is ane flint ston. The Kinge wears the folow of it, and I hope ye will wear it in remembrece of your Lordship's most affectionet doghter and servant,

ANNA BUCCLEUCH AND MONMOUTH.

My serves to my sister, Lady Margrat.

For the Right Honorable the Earll of Wemyss.<sup>2</sup>

At a later period, when expecting a visit from the Earl and Countess of Wemyss, she wrote :—

Audleyend, 7 October [c. 1676].

MY LORD,—Though I was afrayed when I wret to my Lady that your Lordship had forgot me, yet since you did writ to me, I am confortd again. I am mighty glad to find by your letr that I shall se your Lordship and my mother so sune, for I am shur that never anie body longd so much for anie thing as I do to

<sup>1</sup> Original Letter, dated 21st November 1666, at Wemyss Castle.

<sup>2</sup> Original Letter at Wemyss Castle.



se you both ; and I hop to se both my brother and sistr, and then I am shur that ther will not be in Ingland so hapie a woman ass,

MY LORD,

Your Lordship's most affectionat and obedint doughtr,

ANNA BUCCLEUCH.

For the Earle of Wemyss.<sup>1</sup>

The last letter which the Duchess wrote to the Earl of Wemyss was to thank him for keeping the Buccleuch Charter-chests at the Wemyss. It is dated at

Richmond, May 29, 1679.

MY LORD,—The reasone I give you this trubbl now is to give you my most humble thanks for your great kindnes in letting my charter chist be keptt at the Wemyss. It would not be so saiff in anie other place, and I assure your Lordship I do verie often wish my selft ther, that I might be so hapie as to see my best frinds in that place, wher I have bine so well and so merey. I shall not at this time say anie mor, but to assure you that I am, my Lord,

Your affectionat humbll sarvant,

A. BUCCLEUCH.

For the Earell of Wemyss.<sup>2</sup>

From the letters of the Duchess to Lord Wemyss in 1663, and subsequent years, which have been quoted, it will be noticed how highly she always writes of her half brother, David, Lord Elcho. He was the "very fine gallant" who took her Grace to the play in the absence of Monmouth with the King, and it was he who had grown the "boniest little man." Lord Elcho died on the 28th of September 1671, in the seventeenth year of his age. Being the only son of his father, his death necessitated a new arrangement for the succession to the honours and estates of Wemyss. Lord Wemyss resigned his titles for a regrant to his second daughter, Lady Margaret Wemyss, who was the only daughter of his third marriage with Lady Margaret Leslie, thereby excluding his elder daughter by his first marriage, Lady Jean

<sup>1</sup> Original Letter at Wemyss Castle.

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



Wemyss, who married, successively, Archibald, Earl of Angus, and George, Earl of Sutherland. This new settlement, which was probably made through the importunity of Lady Margaret Leslie, deeply offended Lady Jean Wemyss, the elder daughter. She regarded her father as having done her a great injustice, and of this she complained in a letter to the Duchess of Buccleuch.

The Duchess, in her answer to the complaint of the Countess of Sutherland, is very careful not to censure the Earl of Wemyss for what he had done in regard to the succession to his honours; she assumes rather the tone of a defender of her step-father, and reminds the Countess of the duties incumbent upon children to their parents. The letter is as follows:—

[Whitehall, 24th June 1672.]

MADAM,—I confese your lettr was verie much unexspekted by me, for I can never belive my Lord Wemyss will be gultie of anie aektion that will give vast caws of trubbl to anie person. I know him to be so good and worthie. And since I find that what has bin laityly don by him brings you so much aflicktion, I think your Ladyship ought to comfort your self as well as you can, and without dout nothing can be a betr argiment for your consulation then to consider that what may be don in iustice can be no reasonable ground of sorow. Your Ladyship semes to tak notice of a coldnes in my behaivour to you. I will never be guilty of disrespekt to anie of your quaility, nor will I ever forget the obligation I have to my Lord Wemyss, whom I shall ever respekt as my oun father, and I sopus your Ladyship is not ignorant of the great dutie due to parants. As you put your trust in God Almighty's mereys, I dout not but you will indevor to deserve them by obeaying his commands and respekting my Lord, your father, which will oblide me to be

[A. BUCCLUCH.<sup>1</sup>]

When the Duchess of Buccleuch was approaching majority, Sir Gideon Scott of Highchester, in March 1671, wrote a long letter of advice, composed with his usual shrewdness and ability. He remarks that although he had been discarded by the King, and his former advice contemned, yet he felt constrained, in order to fulfil the trust imposed on him by the

<sup>1</sup> Copy Letter at Wemyss Castle.



late Earl of Buccleuch, and in view of the important interests at stake, to direct the attention of the Duchess at that juncture to the position in which her affairs then stood. He then refers to the bond of tailzie made by Francis, Earl of Buccleuch, in the year 1650, reminding her that it contained sundry conditions, restrictions, and limitations, by the breach of which the heir of tailzie succeeding to the estate and honours would forfeit both in favour of the next heir. He would have her inquire whether the contract of marriage involved the violation of any of these provisions, and if so, whether the Act of Parliament ratifying the contract was a sufficient protection against any proceedings that might be taken by the next heir. If it were not so, then legal advice should be at once taken in order to discover some other remedy. Otherwise the children of the Earl of Tweeddale might pursue for breach of tailzie, and claim the estates and dignity. He reminded her that any act done to her prejudice must be remedied before she was twenty-five years of age, else it could not be revoked. He pointed out that the Act of Parliament might be repealed, in case the next heirs of tailzie should ingratiate themselves at Court when her Grace or her successors might not have the same influence which she then possessed. Another danger against which he warns her was that of interested parties attempting, by false advice, to produce the impression on the Duke and Duchess that all was safe, and that there was no necessity for troubling themselves in the matter. Crafty and selfish advisers might thus lull them into a false security, only awaiting favourable circumstances to turn on them when it was too late to provide a remedy.

His inveterate suspicion of Lord Tweeddale shows itself when he warns the Duchess not to depend on the friendship or fidelity of the Earl, who, although at that time above suspicion on account of the favour and advancement shown him by the King, would only await a favourable opportunity to promote the interest of his children, when he could do so without displeasing his Majesty. The late Earl of Buccleuch, he points out, who was "a truelie noble and wyse gentleman, and who understood both men and



affaires verie weill," had passed by the Earl of Tweeddale when nominating tutors for his children, and in the event of the Earl's own children succeeding to the Buccleuch estates, he was not even in that case appointed tutor.

Sir Gideon further urges the expediency of settling beyond dispute the legality of their proceedings, as in case of a doubtful action before the Court, the difficulty of finding means to defend a long and tedious action would be serious. No accession of any settled estate had been received by the Duke, and his revenue consisted of customs or excise duties, which were but temporary and would expire with the King. The revenue of the Buccleuch estates might also be cut off; for as soon as the heir of tailzie made his claim he would also arrest the rents in the hands of the Chamberlains. Sir Gideon does not omit to state that some of these had acquired their places through the favour of the Earl of Tweeddale, "whereby," he adds, "they have enriched themselves out of your Grace's estate, as the cry of your helpless tenants bespeaks aloud."<sup>1</sup>

Highchester was not the only person who doubted the legality of the marriage-contract, and the insufficiency of the Act of Parliament passed in its ratification. The Earl of Tarras reports to his father a conversation he had on the subject with the Duchess in 1671. "The Duchesse and I," he writes, "speaking of Lauderdaill, sais she, with a disdainfull smile, 'somebody asked my Lord Lauderdaill who would succeed to my estate if I had noe children, and he answered, who but his grandchilde, my Lord Yester's sonne.'"<sup>2</sup>

The King had also become doubtful of the efficacy of the Act of Parliament which he had caused to be passed contrary to the advice of the Lords of Session. He wrote to his Commissioner, the Earl of Rothes, on 22d January 1671, that it had been represented to him by his son, James, Duke of Monmouth, that certain doubts had arisen touching the validity of his title to the Buccleuch estate, notwithstanding the Act of Parliament, because it was contrary to the provisions of the bond of tailzie of Earl Francis. He

<sup>1</sup> Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter, *ibid.*



had also been informed that counsel were unwilling to give an opinion freely. In order to set these doubts at rest, the Commissioner was enjoined to call together such advocates as he thought fit, and desire them to give their opinion freely, without respect of persons, the King undertaking that they should suffer no prejudice for delivering their opinion according to their conscience.<sup>1</sup>

The marriage-contract, as will be hereafter related, was reduced by a decret of the Court of Session, in so far as it was contrary to the entail of Francis, Earl of Buccleuch.

The Duchess was treated with much consideration and kindness by her father-in-law, King Charles the Second, which was gratifying both to herself and to her mother. To express her sentiments of gratitude for the King's gracious treatment of her daughter, the Countess of Wemyss wrote to his Majesty the following letter :—

18th December 1667.

MAY IT PLEAS YOUR MAJESTIE.—Tho' I haue uery long kept silincee, yet now it is not in my pouer any longer to forbear to tell your Majestie how ioyfull it is to me that your Majestie doeth so kyndly notis my daughter. Her hapenes therin is on this earth my gretest comfort; and since I am not lyk to haue it in my power to serv your Majestie any other way, my prayers shall be for your Maiesties hapenes, as is the oblidged dewtie of, most sacrad Souerain, your Majesties deuoted humble seruant,

MARGARIT WEMYSS.

For his sacrad Majestie.<sup>2</sup>

The Duchess continued to reside in England during the remainder of her long life, paying only occasional visits to Scotland, though she ever after retained what she called her "Scotch heart,"—her affection towards her native country.

In the gay Court of King Charles the Second, the Duchess and her husband, as they grew up, became objects of special attraction. But young

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> Original draft of the letter at Wemyss Castle.



though the Duchess was, she rose superior to the temptations of the Court, although partaking freely in its more harmless gaiety.

For the amusement of the Court, plays were sometimes acted by its younger members. On these occasions the Duchess of Monmouth excelled most of those who took part in such representations. On the evening of 13th January 1667-8 was acted at the Court, by the ladies and the Duke of Monmouth and others, "The Indian Emperour." By those who were present it was reported that in this performance none of the ladies, except "the Duchess of Monmouth and Mrs. Cornwallis, did anything but like fools and stocks, but that these two did do most extraordinary well."<sup>1</sup>

Pepys, in his Diary, gives a particular description of a ball at Court on 15th November 1666, the Queen's birthday, at which the Duchess of Monmouth was present. "The King appeared in his rich vest, of some rich silk and silver trimming, as the Duke of York and all the dancers were, some of cloth of silver, and others of other sorts, exceeding rich. Among the men present were the King, the Duke of York, Prince Rupert, Duke of Monmouth, Duke of Buckingham. Among the ladies present were the Queen, Duchess of York, Mrs. Stewart, Duchess of Monmouth, Lady Essex, all most excellently dressed in rich petticoats, and gowns, and diamonds, and pearls. It broke up about twelve at night."

On the evening of the 8th of May 1668, the Duchess, while dancing at her lodgings, met with an accident, which, it was supposed, had sprained her thigh, or had even dislocated or fractured the hip-joint. This we learn from Pepys. He has, besides, the following entries regarding this accident:—"May 15, 1668.—The Duchess of Monmouth's hip is, I hear, now set again, after much pain." "July 15th.—My Lady Duchess of Monmouth is still lame, and likely always to be so, which is a sad chance for a young lady to get only by trying of tricks in dancing." "September 20th, 1668.—The Duchess of Monmouth is at this time in great trouble of the shortness of her

<sup>1</sup> Pepys's Diary, vol. iv. pp. 12-13.



lame leg, which is likely to grow shorter and shorter that she will never recover it."<sup>1</sup> To this accident no allusion is made in any of the letters of the Duchess which have been preserved. Pepys exaggerates the result of the accident. James Sharpe, Archbishop of St. Andrews, writing to the Earl of Wemyss, on 15th September 1668, a few days previous to the last entry in Pepys's Diary, remarks that he "had the honor to wait upon the Dutchess since her return from the Bathes, and was glade to see her Grace in so good heart, though she has not fully recovered her strength."<sup>2</sup>

Evelyn has left on record the impression made on him by the wit and shrewdness of the Duchess:—"I dined," he says, "at my Lord Arlington's with the Duke and Duchess of Monmouth. She is one of the wisest and craftiest of her sex, and has much wit. Here was also the learned Isaac Vossius."<sup>3</sup>

From the position which the Duchess occupied in the Court, applications were often made to her by persons desirous to obtain for themselves or their friends posts of honour and emolument. We find the Duchess of Lauderdale soliciting the Duchess of Monmouth to use her influence with the Duke to obtain for her son a command in the army.<sup>4</sup> The Duchess replied in the following friendly letter:—

Whithall, February 7, [*circa* 1675].

I should be verie sorey if I thought your Grace in earnest when you say you belive your letters can be trublsom to me. I only wish you hade leasur to wrett as manie as I should be glade to read. I tould the Duke of Monmouth what your Grace wrett to me, and he says that he shall never fail to do anie service in his pour to anie that belongs to you, and he hops it will be easy to find a comand better and fitter for Mr. Tallmish in a short time. I am not doutfull of the Duke of Lauderdale's frindship to me, which I have often found, and I hope

<sup>1</sup> Pepys's Diary.

<sup>2</sup> Original Letter at Wemyss Castle.

<sup>3</sup> Evelyn's Diary, vol. ii. p. 379.

<sup>4</sup> She was the second wife of the Duke of

Lauderdale. Her first husband was Sir Lionel Talmash of Heylingham. The Duke died at Tunbridge, 24th August 1682, and the Duchess in June 1693.



shall still. I can only say that non can be mor sensible then I am, and shall ever be most faithfully his humb[le] sarvant, and all I can be say'd to your Grace.

A. B. M.<sup>1</sup>

On 1st August 1676, the Duchess of Monmouth stood as godmother for a daughter of Dr. Leake, chaplain to the Duke of York, who was christened in the afternoon, after prayers, at St. James's Chapel. The other godmother was the Princess Mary, daughter of the Duke of York, and afterwards Queen Mary; the godfather was the Earl of Bath.<sup>2</sup>

In the autumn of the same, or of the following year, the Duchess was residing at Audleyend, then considered a magnificent house, and a delightful summer residence. It is thus described by Pepys, who was especially attracted by its wine-cellars and garden:—

“7th October 1667.—I and my wife and Willet [Mrs. Pepys's maid] set out in a coach I have hired with four horses, and W. Hewer and Murford rode by us on horseback, and before night come to Bishop-Stafford [Stortford]. Took coach to Audlyend, and did go all over the house and garden; and mighty merry we were. The house, indeed, do appear very fine, but not so fine as it hath heretofore [appeared] to me, particularly the ceilings are not so good as I always took them to be, being nothing so well wrought as my Lord Chancellor's are; and though the figure of the house without be very extraordinary good, yet the staircase is exceeding poor; and a great many pictures, and not one good one in the house but one of Harry the Eighth, done by Holben; and not one good suit of hangings in all the house, but all most ancient things, such as I would not give the hanging up of in my house; and the other furniture, beds and other things accordingly. Only the gallery is good, and above all things the cellars, where we went down and drank of much good liquor. And, indeed, the cellars are fine; and here my wife and

<sup>1</sup> Original Letter in custody of Richard Almack, Esq., Melford, Suffolk, and forming part of the Lauderdale Papers acquired by him. The address is wanting, but it appears

from internal evidence that it was written to the Duchess of Lauderdale.

<sup>2</sup> Evelyn's Diary, vol. ii. p. 420.



I did sing to my great content. And then to the garden, and there eat many grapes, and took some with us; and so away thence exceeding well satisfied, though not to that degree that by my old esteem of the house I ought and did expect to have done, the situation of it not pleasing me."<sup>1</sup>

The Duchess of Monmouth accompanied the Duchess of York to Holland on a visit to Mary, Princess of Orange. When about to undertake this journey, she informed her mother, the Countess of Wemyss, of the intentions of herself and the party in the following letter:—

Whithall, September 28, [1678].

MADAM,—My Lord Melvill is so soone to leve this place, that I should not have wrettn this day by the post but to acquaint your Ladyship the Duchess has comanded me to waitt on her to Holland, to see the Princess of Orange. I kenew not of this jurnay till Thursday night, to laitt to wrett. Wee are to go next Munday or Tusday, and if the uind contineus fair, we shall be littl more then 24 hours on the jurnay, it being all by watter. We shall stay ther whilst the King is at Neumarkett. That will be about a fortnight. Ther gos only the Duchess of Buckingham and the Duchess of Richmond, and I, besids Lady Ann, and my Lady Peetrbrough, and my Lady Heryett Hid, my Lord Ossarey, and my Lord Rooscomon. Wee are to ley in a hous nigh the Princess, but verie preevitly, which they are used to in that countray. So we are not to be taken notice of as we go about. As soon as ever we arive, I shall give your Ladyship ane account. I intind to get my Lady Fox to make now and then a visett to my children, to see how they are. I belive she has mor skill then myself, and I am sure she will take care to send to the docktr, which I hope in God they will not need. But if they should be sick, she will send in time, which I dare not trust only sarvants with.—I am, Madam, your Ladyship's obedent dutifull child,

A. BUCCLEUGH.<sup>2</sup>

The Duchess, as she intended, stayed only a short time in Holland. It would seem that on returning to England she accompanied the Prince and Princess of Orange on their visit to the Court at London. The following

<sup>1</sup> Pepys's Diary, vol. iii. p. 374.

dorsed. "The Duchess to her mother, one

<sup>2</sup> Original Letter at Wemyss Castle, in- 28th September 1678."



letter, which the Duchess wrote to the Duchess of Lauderdale, has reference to this:—

Whithall, November 10, [1678].

Your Grace might have employ'd manie to deliver your compliments to the Duke and the Princes that could have dun it better, but you shall never find anie shall sarve you uth a better will then my self, in what kind soever is in my pour, and great reason I have to do so. But I have said to much of my self, and I only wish I could writt evrie word her Highnes with her extraordinary sweetnes return'd her thanks to your Grace. I hope it will not be long befor I have the hapines to sie you, tho' I am soray you do not mention in your lettr to me your journey, which I wish may be soome and well parform'd, for if ther be anie pour in good wishes, you shall never want them from me, who am most intirely yours.

Lady Ann hade the small pox cam out last night, but she is not verie sick. The Princes and Prince of Orange are to go from hance Fraydy next. I hope your Grace will present my most humble sarvice to my Lord Duke, and pardon my trubling you with so long a letter.<sup>1</sup>

The Earls of Rothes and Wemyss, as sole executors and universal legatees of the personal estate of the Countess Mary, under her will of 2d February 1661, claimed the whole of the debts owing to her at the time of her decease. This claim was resisted by the curators of the Countess Anna. A process was raised in the Court of Session by the executors, but the matter in dispute was eventually referred to the decision of King Charles the Second. A decret-arbitral was issued by his Majesty on 10th July 1666, which decerned and ordained that the debts owing by the Earls of Eglinton, Southesk, and Tweeddale, and Sir Lawrence Scott, ought to belong to the Duke and Duchess of Buccleuch.<sup>2</sup>

The Countess of Wemyss had impressed the Duchess with some of her own dislike to the Earl of Tweeddale. He had become involved in pecuniary embarrassment, which had prevented the payment of the debt which he

<sup>1</sup> Original Letter in the custody of Richard Almack, Esq., Melford, Suffolk. The address is wanting, but the letter is in the collection of the Duke of Lauderdale, and was no doubt written to his Duchess.

<sup>2</sup> Decreet and other papers in Buccleuch Charter-room.



owed to the Duchess. An arrangement was made by him and the Earl of Rothes, with consent of the King, during the minority of the Duke and Duchess of Buccleuch, acting on which the Earl of Rothes, on 19th April 1667, requested Sir William Scott of Harden to deliver up to Tweeddale the contracts of wadset and all the bonds which the Countess Mary had paid for him by these contracts.<sup>1</sup> After attaining their majority, the Duke and Duchess, in a joint letter to their Commissioners on 17th November 1673, informed them that they were "resolved to prosecute the Earl of Tweeddale by course of law for the whole debt" which he owed, a part of which they had been persuaded, while in their minority, to remit to him, "upon very frivolous and untrue suggestions." They had resolved, on coming of age, to repudiate and revoke whatever had been done to their detriment during their minority.<sup>2</sup> Respecting the Earl of Tweeddale's debt, the Duchess, on 3d January [1691], writes—"As for my Lord Tuaddalls great merits to me to induce me to forgive him the intrest of a debt, which his delaying to pay has swell'd to a considrable summ, I must tell you I never heard of such a way as he has to ask forgiveness either for debts or injurys, for when he was last in England he printed the basest and falcest paper his over grown malice could invent." Referring to the offences he had done to her, her father, and sister, she states that she will not, on that account, do injustice to his children. "He needs not thank me for not endeavoring to exclud his grandchildren, for it is becaws th[e]y are my father's nephews and neecess, nor shall his offences mak me unatrall to my kindred, nor will I be perswaided to live in debt and miserably all my life to pleas him." But mingling leniency with firmness of purpose, she adds:—"However, upon his paying me perhaps I may forgive him some littll matter, but not a penny if he delays anie longer."<sup>3</sup>

<sup>1</sup> Original Warrant, etc., in Buccleuch Charter-room.

<sup>2</sup> Copy Letter in Lord Polwarth's Charter-room. The result of the action appears in a

bond subscribed by the Earl on 6th March 1679, for 93,600 merks.

<sup>3</sup> The Earls of Cromartie, vol. ii. pp. 260, 261.



The differences between them led, on one occasion, to an unpleasant altercation, to which the Duchess thus alludes in a letter written apparently to the Earl of Wemyss:—"My Lord Tuadell has not bine to see me since that day wee scoulded, and lookes verie grim one me when he meets me."

In the same letter she touches on various other matters, especially the London gossip of the day:—

Though I would be verie glade to have that busines over with Nidsdall, yit I do assure you I nather expeckt nor desir you should putt yourself to anie inconvenience upon my account. I am glad you will take care of the mune, and I am also of your opinion that no place is so fitt for my papers as the Wemyss, if it may be dun. Pray do not belive the foolish reports that are now about; for this place is just as you left it, foulle of leys, as you may see by the report of the Duke of Monmouth's being poyson'd, and all that was said of a posioned letter, and he never resaved anie letter concerning it, only ther was a report, which nobody could give anie reason for, as ther is manie mor. . . . I have bine to see the Duchess of Laudrdall, but have not hade anie ocation of sieing the Duke, but the Duke of Monmouth tels me that my Lord Tueedall torments the Duke of Laudrdall about our busines; but he is not likly to parswad the Duke of Laudrdall to be mor his frind then ours. I belive I torment you with this long letter. Adieu.<sup>1</sup>

During the residence of the Duchess in England, she was greatly indebted for the management of her affairs in Scotland to George, fourth Lord Melville, afterwards Earl of Melville.<sup>2</sup> He was one of her friends and counsellors, in whom she placed great confidence, and to whom she frequently acknowledged her obligations for his advice and counsel. In a letter congratulating him on the birth of one of his children, she writes:—"In a little time I must be consulting with you, for, indeed, you are my chiff cunseler, and if it wer not for you, your three little frinds would be in ane ill condi-

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> George, Lord Melville, married the Lady Catherine Leslie, only daughter of Lady

Margaret Leslie and her first husband, Lord Balgonie. Lady Melville and the Duchess of Monmouth were thus sisters uterine.





Georgius Comes de MELVILLE, Vicecomes de Kirkaldy,  
 Dominus de Raith, Monimail, et Ballwearie,  
 Serenissimis principibus Gulielmo tertio Magnae Britanniae  
 Franciae et Hiberniae Regi, et Mariae Reginae, pro antiquo  
 & Scotiae regno PROREX; Solusq; status Secretarius.



For My Lord Melvill  
To see test at his Grace  
My Lord Generalls Lodgings;  
at the Cockpitt.



From S

I would a word  
is the first in  
my selfe. I ha  
enough peevish  
for all the tro  
taken in my b  
I shall sertenly  
bake, for our  
one way or a  
I hope you will  
pray lett me  
to looke after  
their bee any  
keim. — R. H.



From Brussels the 17 of August

I would a writt to you sooner but that this  
is the first minute I have had any time to  
my selfe. I hope I shall come to London some  
enofe pee for you goe away to shake you  
for all the trouball and paines you have  
taken in my bussines, in seven or 8 days mor  
I shall sertenly know when I shall come  
bake, for our bussines here must bee over  
one way or another by that time, therfor  
I hope you will not make too much heast,  
pray lett mee know if my wife begins  
to looke after her bussines at home and if  
ther be any hopes of her being a good  
busine. I shall trouball you now w<sup>th</sup>  
nothing eall, for I am sur I have noe  
vide to tell you that nobody in the word  
can bee mor your humbell servant then  
Jam. M<sup>or</sup>mouth



tion. God helpe them."<sup>1</sup> Shortly after this she writes:—"I knowe that you are now busse for me, and I so litle dout it that I do not writt to you to put you in mind of it, but to give you thanks for the obligations you daley put on me."<sup>2</sup> The Duke of Monmouth also wrote to him about the same date :—

From Bruxsells, the 18th of August [1677].

I would a writt to you sooner, but that this is the first minutt I have had any time to my selfe. I hope I shall come to London time enofe befor you goe away, to thanke you for all the troubell and pains you haue taken in my bussines, in seven or 8 days mor. I shall sertenly know when I shall come bake, for our bussines hier must bee ouer, one way or another, by that time, therfor I hope you will not make soe much heast. Pray lett mee know if my wife begins to looke after her bussines at home, and if their bee any hopes of her being a good husiue. I shall troubell you now with nothing ealls, for I am sur I haue noe nide to tell you that nobody in the world can bee mor your humbell seruant then I am,

MONMOUTH.

For my Lord Melvill, to be left at his Grace my Lord Generalls lodgings att the Cockpitt.<sup>3</sup>

Lord Melville took an active part in obtaining the reduction, by the Court of Session, of various deeds executed by the Duke and Duchess in their minority, and they expressed to him in a joint letter their gratitude for his friendly offices :—

Whitehall, 6 March 16 $\frac{29}{30}$ .

MY LORD,—We have alwayes been sensible of your constant care and prudence in ordering and disposing the conduct and procedure of our affairs, which wee take as a particular testimonie thereof that you have caused prosecute that action of reduction of our contract of marriage and other deeds done be us in our minoritie, and obtained sentence of the Lords of Session reducing the same; but wee understand you have not yet ordered the extracting of that decreet, which, if your Lordship, by the advice of our lawers, find necessar for our full securitie, wee

<sup>1</sup> Original Letter, dated *circa* 1676, at Melville House, Fife.

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

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



desire it may be forthwith done, which, with all the other instances of your Lordship's kyndnesse, wee shall alwayes be ready to resent, as my Lord, your most humble servants,

BUCCLEUCH AND MONMOUTH.

A. BUCCLEUCH AND MONMOUTH.

For my Lord Melvill.<sup>1</sup>

The action of reduction referred to by the Duke in his letter was raised on 25th February 1680 by Anne, Duchess of Buccleuch, and Sir George M'Kenzie, King's Advocate, and Mr. Robert Lermonth, her procurators, praying that the contract of marriage, executed in her minority, and the infetments and other writs following thereon, also the ratification of the same by Act of Parliament, should be reduced and annulled, in so far as they were contrary to the entail executed by Francis, Earl of Buccleuch, in June 1650. The Lords of Session thereupon reduced and annulled the contract as prayed, and all infetments and other writs following upon it were declared null and of no avail.<sup>2</sup>

In order that the charters following upon the contract of marriage should not be prejudiced, in so far as they were agreeable to the entail of 1650, the King issued a warrant to the Lords of the Treasury for their ratification. It is dated at Newmarket, 23d September 1681, and is in the following terms:—

CHARLES R.—Right trusty and welbeloved cousins and counsellours, right trusty and welbeloved counsellors, trusty and welbeloved counsellors, and trusty and welbeloved, wee greet you well: Whereas the Lord Melvill, sole commissioner for the estate and affaires of our right trusty and welbeloved cousin, Anna, Dutchesse of Buccleuch, hath now for some time had his residence in London, having been detained there by reason of the said Dutchesse, her absence from this our kingdome, and the necessity of her busines; and that wee are by him informed how that the said Dutchesse hath lately obtained a decreit of reduction before the Lords of Session, reduceing certaine deeds done by her in her minority to her lesione, wherby the charters granted by us upon those deeds might likewayes be

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> Extract Decreet in Buccleuch Charter-room. The persons called for their interest heirs as "of tailzie, lyne, and male," were

the Earl and Countess of Tweeddale, their children and grandchildren; the sons and grandson of the deceased John Scott of Gorriinberrie, and Walter Scott of Altoncrofts.



thought to be reduced, and fall in consequence to the Dutchesse her great prejudice, if remeid be not provided. Wee have thereupon thought fit to grant a declaration and ratification under our royall hand for obviating the said inconvenience, and to charge the said Lord Melwill with the bearing and presenting therof, to the effect it may be duely past by you, and recorded in your bookes for her full security. And therfor wee doe hereby require you to receive and exped our said ratification and declaration in the best forme, and to cause extracts therof (one or mor as shalbe demanded) to be given to the said Lord Melwill in behalf of the said Dutchesse. As likewise, that you will give him all assistance in whatsoever other affaires he may have to doe with you relateing to the said Dutchesse her estate ; seeing we are fully satisfied that he hath not only been very carefull of all her concerns (especially at this time of her absence), but that by reason of her absence he hath been necessarily kept abroad very much to his own prejudice. So wee bid you heartily farewell. Given at our Court at Newmarket, the 23th day of September 1681, and of our reigne the 33th year.

By his Majesties command,

MORRAY.

To our right trusty and welbeloved cousins and councellours, our right trusty and welbeloved councellours, our trusty and welbeloved councellours, and our trusty and welbeloved the Lords Commissioners of our Treasury, and the remanent Lords and others of our Exchequer of our ancient kingdome of Scotland.<sup>1</sup>

The successors of Francis, second Earl of Buccleuch, are under deep obligation to him for his foresight in making the entail of June 1650. There is no doubt that it was through that entail that the Buccleuch estates were saved from the many dangers which threatened them in the seventeenth century.

During the absence of the Duchess in France, to which the King alludes in the warrant, she wrote to Lord Melville, expressing her concern at the resolution with which he had acquainted her, of giving up his charge of her affairs :—

<sup>1</sup> Original Letter among Treasury Warrants, H.M. General Register House, Edinburgh.



Paris, Jan<sup>r</sup> 3, [1681].

"Yours of the 13 Decem<sup>r</sup> I received, and am sorie, as yow will find by my letter of last post, that yow should haue any thoughts of leaving my busienes. If you doe, I doe not know what to doe. . . . I am now better than I was, I thank God. Indeed, you have no reason to think I am angrie with yow, for I never was, and I suppose never shall. If it please God I goe to England in good health, I will bear all my other misfortunes much the better; but I have been very ill of late. If I die, be kind to my children. If I live, I will thank yow for all the obligations I owe to yow."<sup>1</sup>

Yielding to further remonstrances from the Duchess, Lord Melville was prevailed upon to continue his oversight of her business, until he had to leave the country in 1683.

The commission to the Earl of Melville of 28th September 1678, conferred on him very extensive authority over the Buccleuch estates. It empowered him to "sett ther lands and teynds," sell the woods, trees, and coal, place and displace sheriffs, bailies, chamberlains, and all other servants in Scotland; also to raise and prosecute all new actions, enter vassals, make and subscribe with his hand, and seal with their seal, all charters, precepts, etc., to grant and dispone gifts of ward and marriage and non-entry, make and subscribe presentations to kirks to such qualified persons as he pleased, to control all accounts, and generally to act as they would have done themselves in person.<sup>2</sup>

Lord Melville also acted in concert with the Duke of Monmouth in an affair of an entirely different character. The Duke was appointed Captain-General of the forces, and was intrusted by the King with the command of the troops sent to quell the insurrection in Scotland in 1679. Desirous to avoid unnecessary bloodshed, he endeavoured to induce the

<sup>1</sup> Extract from Letter at Melville House. The Duchess seems to have resided in France for some time. Narcissus Luttrell in his Diary, under date of 4th August 1680, notes that "the Dutchesse of Monmouth went for France, and with her the Countesse of North-

umberland." Again, on 29th May 1682, he writes, "Her Grace the Dutchesse of Monmouth is returned from France, where she has been for some considerable time past."

<sup>2</sup> Original Commission at Melville House.



I here are to certify that in the time  
I had command of his Majesty's forces  
in Scotland against the Rebels that were then  
in armes I did direct & authorize the Lord  
Melville to send propositions to the Rebels &  
receive some from them in order to laying downe  
their armes & submitting to the Kings mercy.  
In witness whereof I have sett my hand & seale  
att London this 10<sup>th</sup> day of June. 1600.

MMMAH



insurgents to lay down their arms and submit to the mercy of the Sovereign, promising to use his influence in procuring favourable terms. Lord Melville was chosen by him to negotiate, but the obstinacy and want of union among the Covenanters prevented these merciful proposals from being accepted. Becoming afterwards involved in the plots of 1683, Melville fell under the suspicion of the Government, and found it necessary to take refuge in Holland. Proceedings were taken against him in his absence for high treason, and one of the charges against him was that of intercommuning with the rebels at Bothwell Bridge. A declaration was then produced, written by the Duke of Monmouth, who took on himself the responsibility of having instructed Melville to offer terms to the insurgents. The declaration is as follows:—

“These are to certify, that in the time I had command of his Majesties forces in Scotland against the Rebels that were then in armes, I did direct and authorise the Lord Melvill to send propositions to the Rebels, and receive some from them, in order to laying down their armes and submitting to the King’s mercy. In witness whereof, I have sett my hand and seales, att London, this 10th day of June 1680. MONMOUTH.”<sup>1</sup>

The desire of Monmouth to avoid bloodshed on that occasion proceeded no doubt from the humanity of his disposition, but may also have been influenced by a wish to conciliate the party who had taken arms:—

“The hardy peasant, by oppression driven  
To battle, deemed his cause the cause of Heaven:  
Unskill’d in arms, with useless courage stood,  
While gentle Monmouth grieved to shed his blood.”<sup>2</sup>

On the return of Monmouth to England, the rivalry which had for some time existed between him and the Duke of York became still more pronounced. The King, giving way to the counsels of his brother, and perhaps

<sup>1</sup> Original Certificate at Melville House, printed in the Leven and Melville Papers, p. xv. Melville’s estates were forfeited, and he continued to reside abroad till the Revolu-

tion, when he returned, and was soon afterwards appointed Secretary of State for Scotland.

<sup>2</sup> Wilson’s “Clyde.”



fearing the increasing popularity of Monmouth, removed him from his office of Commander-in-Chief, and ordered him to leave the country for a time. Becoming impatient of his exile, and after having repeatedly, and without avail, solicited permission to return, he resolved to come to England without leave obtained from the King. This proceeding, and his subsequent conduct, still further increased the estrangement between him and his father, who resented his disobedience by depriving him of his several offices and appointments.

The Duchess of Buccleuch throughout these events acted with admirable prudence and sagacity. Her influence was continually used to counteract the advice of Monmouth's more precipitate counsellors, and to prevent him from taking part in the desperate schemes of Shaftesbury and others. Carte, in his life of Ormond, says that "the Duke of Monmouth had no judgment, and, consequently, no steadiness in his conduct. When he was forbid the Court, he retired to Moore-Park, where a day's conversation with his lady made him repent of his conduct, and willing to sign any paper of the same nature with that which he had signed before, and had got back in the manner related. But as he was too desultory to be depended on, and his confessions and retractations had rendered his testimony in an ordinary way to be of little weight, the King resolved to proceed with him in another manner, and to force him to declare the whole truth before a Court of Judicature."<sup>1</sup>

The friendship of the Duchess of Buccleuch and the Duke of York—which she used to promote a reconciliation between him and the King with Monmouth—is noticed by John Sheffield, Duke of Buckingham, who inclined to the belief that the object of the Duke of York was the conversion of the Duchess to the Roman Catholic faith. He also attributes to the Duchess a considerable share in advancing the position of Monmouth in the army, which was done chiefly through the assistance of the Duke of York. After describing some of the causes which led to the promotion of Monmouth, the Duke of Buckingham adds:—"There was yet one thing more, which, in exactness, I must not omit, that much contributed to this young man's advancement; I mean the

<sup>1</sup> Carte's Life of the Duke of Ormond, vol. ii. p. 533.



great friendship which the Duke of York had openly professed to his wife, a lady of wit and reputation, who had both the ambition of making her husband considerable, and the address of succeeding in it, by using her interest in so friendly an uncle, whose design, I believe, was only to convert her. Whether this familiarity of theirs was contrived, or only connived at, by the Duke of Monmouth himself, is hard to determine. But I remember that after these two princes had become declared enemies, the Duke of York one day told me, with some emotion, as conceiving it a new mark of his nephew's insolence, that he had forbidden his wife to receive any more visits from him; at which I could not forbear frankly replying that I, who was not used to excuse him, yet could not hold from doing it in that case, wishing his Highness might have no juster cause to complain of him. Upon which the Duke, surprised to find me excuse his and my own enemy, changed the discourse immediately."<sup>1</sup>

Burnet, relating a conversation which he had with the Duke of York, states that the Duke "commended the Duchess of Monmouth so highly as to say to me that the hopes of a Crown could not work on her to do an unjust thing."<sup>2</sup>

In Dryden and Lee's play of the "Duke of Guise,"—which is generally accepted as aimed at the political situation in England,—the character of Marmoutière is supposed to refer to the Duchess of Monmouth and her efforts to withdraw her husband from the schemes in which he was becoming so deeply involved. And there is some ground for this supposition. Marmoutière, for example, thus pleads with the rebellious Duke:—

"Hear me, sir,  
For if 'tis possible, my Lord, I'll move you;  
Look back, return, implore the royal mercy  
Ere 'tis too late, I beg you by these tears,  
These sighs, and by the ambitious love you bear me,

<sup>1</sup> Memoirs of John Sheffield, Duke of Buckingham, p. 12.

<sup>2</sup> Burnet's History of his own Times, vol. i. p. 440.



By all the wounds of your poor groaning country  
That bleeds to death. O seek the best of kings,  
Kneel, fling your stubborn body at his feet ;  
Your pardon shall be sign'd, your country saved."<sup>1</sup>

The influence of the Duchess in all probability saved the Duke of Monmouth when he was suspected of being implicated in the Rye House Plot, when she induced him to make a timely confession to the King, stipulating that it would not be used against his friends. "His lady, who was a prudent and valuable woman, had been a great means to bring him to that confession, which had released him from his confinement; but as soon as he got to his old companions, he no longer paid any regard to her advice and intreaties, but despised her understanding, as much as he magnified his own."<sup>2</sup>

The retirement of the Duke to Holland removed him from the beneficial influence and prudent counsel of his wife, and he gave himself up entirely to the advice of those who stimulated his ambitious hopes.

The death of King Charles the Second occurred when Monmouth was abroad, and he soon took measures to prosecute the memorable invasion which ended in such disastrous failure. Acting in concert with Archibald, ninth Earl of Argyll, who made a descent on the west of Scotland, Monmouth,

<sup>1</sup> Dryden and Lee's "Duke of Guise," Act I. Sc. 3. In Dryden's "Vindication" of the "Duke of Guise," he alludes to the kindness he had received from the Duke and Duchess of Monmouth, especially the latter. "The obligations I have had to him were those of his countenance, his favour, his good word, and his esteem, all which I have likewise had in a greater measure from his excellent Duchess, the patroness of my unworthy poetry. If I had not greater, the fault was never in their want of goodness to me, but in my own backwardness to ask."—Dryden's Works, vol. vii. p. 163. Dryden was not the

only poet of eminence who was encouraged by the Duchess. Gay, when a young man, found leisure, as the secretary of the Duchess, to produce several of his earlier works.—[Johnson's Life of Gay.]

<sup>2</sup> Carte's Life of the Duke of Ormond, vol. ii. p. 531. While Monmouth was in disgrace at Court in 1683, the Buccleuch estates were protected by a Royal letter to the Privy Council of Scotland, in September 1683, which ordained that the whole of the rents and emoluments should be paid to the Duchess.—Copy Letter in Buccleuch Charter-room.



having hired a frigate and two other vessels, set out from Holland, and landed, without opposition, on 11th June 1685, with about eighty followers, at Lyme Regis, in Dorsetshire. His declaration was read at the market-place of that town. In it he professed that he had come for the preservation of the country from Popery and arbitrary power, and for the protection of the Protestant religion and the liberties of the people. Proclaiming war against King James, he charges him with the assassination of the Earl of Essex, and also with poisoning the late King. Although in the declaration he asserts a right to the Crown, Monmouth did not, on that occasion, insist on the title of King.

Collecting a number of followers, the Duke marched to Taunton, which he entered with about 3000 men, and was there quickly reinforced, until his forces amounted to more than 6000 men. He then resolved to claim the Crown, and caused himself to be proclaimed King at Taunton, on the 20th June 1685. Marching with his army by way of Bridgewater and Glastonbury, he intended to attack Bristol. Before reaching that city he learned that the King's army was approaching in considerable force, and he abandoned his designs upon Bristol, and began to retrace his steps by way of Bath, which he summoned to surrender, but did not enter. Retiring through Phillips Norton, his troops were attacked by the advanced guard of the King's army, commanded by his half-brother, the Duke of Grafton. An engagement ensued, in which the King's troops were driven back, and Monmouth continued his retreat to Frome. There he heard of the defeat and capture of the Earl of Argyll. His prospects now appeared gloomy. Although the common people had flocked to his standard in considerable numbers, he had received little or no support from persons of substance or position. Relying on his popularity and the enthusiasm which had been shown during his former progresses, he had come without adequate means either in money or arms, in the belief that his appearance would be sufficient to provoke a rising throughout the country. But the gentry and nobles held aloof. And now, not many days after his landing at Lyme Regis, his cause already



appeared hopeless, and many of his followers began to desert him. It was then discussed if Monmouth and those exempted from pardon should not make for the nearest port, leaving the others to take advantage of the King's proclamation offering pardon on their submission. They decided to remain and abide the result. Expectations were entertained by them of a rising in the metropolis, which would cause a diversion in their favour, and they hoped that the Guards and others of the King's soldiers would not fight against their former commander, but would desert the King and join Monmouth.

The retreat was continued to Bridgewater, where the Duke learned that the King's forces had marched from Somerton, and were encamped on Sedgemoor. Monmouth intended marching to Gloucester, and crossing the Severn, to make for Cheshire and Shropshire, where he hoped to be joined by his friends in those counties. Preparations were made for carrying that scheme into execution. The position of the King's army, however, suggested the possibility of surprising and defeating them in a night attack, and Monmouth decided to make the attempt. Setting out from Bridgewater about midnight, he led his followers by a circuitous route, and arrived close to the enemy's camp before being discovered. The camp was protected in front by a wide ditch passable only at fords, and the difficulty of finding these in the darkness gave time for the King's troops, under Lord Feversham, to prepare for resistance. Lord Grey had been ordered to attack the camp in flank with the cavalry, but missing the passage over the ditch, his untrained horse, exposed to the musketry fire, speedily fell into confusion. Feversham had in the meantime brought up his artillery, and the undisciplined levies of Monmouth, who had now lost all the advantages of a surprise, were soon dispersed with great slaughter, although many of them made a gallant stand. Monmouth, seeing defeat inevitable, made his escape about three o'clock in the morning from the field. Disguised in the dress of a shepherd, with whom he exchanged his clothes, he concealed himself for two days from his pursuers. But a large reward was offered for his capture, and he was at last discovered, overcome with fatigue, hidden in a ditch near the village of



Horton, in Dorsetshire. He was first conveyed to Ringwood, from whence he wrote to the King, and also to the Queen-Dowager, and the Earl of Rochester, expressing remorse for having taken up arms against his Majesty. A few days afterwards he was conducted to London, and imprisoned in the Tower.

On hearing of the defeat of Monmouth, Margaret, Countess of Wemyss, wrote the following letter to the Master of Melville, expressing her sympathy with her sister the Duchess :—

MY DEAR NEPHEW,—I hope this shall not bring the first news of the unfortunat Duke of Monmouth, who by all apearance is taken by this time or kill'd. I was unwilling to write to my sister, least she knew not of it; but if her business be not very pressing, I think she should come here and wait on our dear mother, who does not yet believe him in such hazard. Alas, the sad stroak will be heavy enough when it coms, without the aggravation of groundles hops. The Lord comfort her. I am in such confusion I can write noe more. Adieu, dear nephew.

For the Master of Melvill.<sup>1</sup>

A contemporary manuscript preserved among the Buccleuch muniments, being a copy letter subscribed with the initials of "J. F.," and written by an eye-witness of some of the scenes, who completed his narrative of the last days of Monmouth from the most authentic sources at his command, gives an interesting account of the demeanour of the Duke from the time of his imprisonment in the Tower until his execution. Describing the first interview of the Duchess with her husband after his capture, he says :—

"That night he was carried away to the Tower, and the Duchess, his lady, having obtained leave of his Majestie to see him, and desireing my Lord Privie Seall might be by all the while, that no discourse might pass betwixt them but what was fitting his Majestie should know, was conducted to him by his Lordship. The first interview was melancholy enough. He saluted her, and told her he was very glade to see her. Most of the discourse that passed afterward was directed to my Lord Privy Seall, and insisted of much what

<sup>1</sup> Original Letter at Melville House.



he had said to his Majesty, but enlarged on the topics that might induce his Majesty to save his life, fancying withal that he hoped that he had given his Majesty satisfaction so as not to despair of pardon; that his life would be of service to the King, as knowing the bosome of all the dissaffected persons in his dominions, and therefore capable of all their ill designs and preventing thereof against his person or Government. The Lord Privie Seall told him that he had no order or commission from his Majesty to say any thing to him, but to wait on his Lady and conduct her to him; that if he had anything to say to him in relation to his affairs and children, that he would lose no time in doing of it; that if he was not willing he should be present at what he should think fit to say to his Lady, he would withdraw into the next room; and for his hopes of satisfying the King he knew best himself what was past betwixt them, and what ground he had to hope when he parted from the King. At his being convinced now of the villany and knavery of the men that set him upon that false designe, and concurred with him in the execution of it, was no more then what was long before, having declared so frequently to the late King, in the hearing of so many persons, that they were knaves and villains; that Ferguson was a bloody rogue, and always advised to the cutting of throats, and how should it happen that he should suffer himself to be ruled and imposed upon by them.

“This was the substance of his Lordship’s discourse, to which at severall times he made replies, that he had nothing to say to the Lady but what his Lordship might safely hear; that he was obliged to his Lordship for the great friendship and kindness he was pleased to shew her, for the last in particular. But the notion of hoping for pardon running strangely in his head,” he asked frequently if there were no hopes of mercy, and expressed “the desire he had of making the King’s reigne happy and easie, which he fancied would certainly happen if his life were spared.

“Then the Duchess tooke the liberty to interrupt him in these digressions and imaginary expectations of life, and after some generall things, asked him if ever she had the least notice and correspondence with him about these



matters, or had ever assented to or approved of his conduct during these 4 or 5 last years; if ever she had done any thing in the whole course of her life to displease or disoblidge him, or ever was uneasie to him in anything but two, one as to his women, and the other for his dissobedience to the late King, whom she always took the liberty to advyse him to obey, and never was pleased with the dissobedient course of life he lived in towards him. If in anything else she had failed of the duty and obedience that became her as his wife, she humbly begged the favour to disclaim it, and she would fall down on her knees and beg his pardone for it. To which moveing discourse he answered that she had always shewen herself a very kind, loveing, and dutifull wife toward him, and had nothing imagineable to charge her with, either against her virtue and duty to him, her steady loyalty and affection toward the late King, or kindness and affection towards his children; that she was always averse to the practice of life and behaviour towards the late King, and advised to great compliance and obedience towards his commands."

On Monday, the day after this interview, the intimation of his execution to be on the Wednesday thereafter was brought to him by the Bishops of Ely and Bath and Wells. All his importunities for a pardon or even a respite having proved unavailing, "he layed down his hope of liveing, and bethought himself of the well-employeing the few hours that remained." To the divines who remained with him he expressed his sorrow for the course he had followed in the rebellion. "He owned the King to be the only true and lauffull King, and renuned and disclaimed all title and pretensiones to the Croune."

On one point their reasoning and exhortations could not move him, and that was the opinion he held as to his connection with Lady Henrietta Wentworth. Admitting their intinacy, he persisted in asserting its blamelessness, and from this view of their relations he could not be persuaded. "He knew her," he said, "to be a vertuous and godly lady (these were his own words), and far from deserving the unkind censure she ly's under on his



account. That it is true that their conversation was very intimate together, and whatever was of it he had consulted God in prayer about it, to know His pleasure and approbation, and had not mett with anie returne that marked His dislyke or discountenancing of their conversatione."

The last meeting and farewell with his wife and children took place on the morning of his execution.

"His behaviour all the tyme was brave and unmoved, and even during the last conversatione and farewell with his ladie and children, which was the mourningest scene in the world, and noe bystanderes could see it without melting in teares, he did not show the least conservedness. He declared before all the companie how averse his Duches had bein to all his irregular courses, that she had never bein uneasie to him on any occasione whatsoever but about women and his faillyng of dutie to the leat King. And that she knew nothing of his last designe, not haveing heard from himself a year before, which was his owen fault, and noe unkyndnes in her, because she knew not how to direct her letteres to him. In that he gave her the kyndest character that could be, and beged her pardone of his many faillyngs and offences to her, and prayed her to continow her kyndnes and caire to his poor childeren. At this expressione she fell down on her knees with her eyes full of teares, and beged him to pardone her if ever she had done any thing to offend and displease him, and imbraceing his knees, fell into a sound, out of which they had much adoe to raise her up in a good whyll after. A little before his childeren were brought to him, all crying about him. But he acquitt himself of these last adewes with much composednes and sinceritie of temper, shewing nothing of weaknes or unmanlienes.

"About ten a cloak he was carried out of the Tower in coach, and after haveing passed the bridge was delyvered into the Sherif's hands, who led him alonge up to the scaffold. Noe man observed more couradge, resolution, and unconcernednes in him any tyme before then appeired in him all the whyll he walked on the scaffold, whyll he mounted the scaffold, and whyll he acted the last part upon it. As he walked to it all the horse and foot



guards were drawn up round about the scaffold on Tower Hill. He saluted the guards and smiled upon them. When he was upon it, the Sheriff asked him if he had any thing to say. He told him he was never good at the making of speeches, and would not begin now, for he was sure he would not be heard, and if he were it would signify nothing."

He then spoke once more of the Lady Henrietta Wentworth, in similar terms to those he had used in the Tower. The sheriff and the divines remonstrated with him, and continued to importune and harass him on the doctrine of non-resistance. After prayers he "went to that part of the scaffold where the block and axe lay. The axe he took into his hand and felt the edge of it, saying to Jack Ketch, the executioner, that sure the axe did not feel as if it were sharp enough, and prayed him that he would do his office well, and not serve him as he was told he had done the late Lord Russell, for if he gave him two strokes he would not promise him that he would live still to receive the third; and putting his hand in his pocket gave him six guineas, telling that if he did his duty well, he left six more in his servant's hands to be given him after he was dead, providing he did his business handsomely. All this he said with as much indifference and unconcernedness as if he were giving orders for a suit of clothes; no change nor alteration of countenance from the first unto the last, but stripped himself of his coat, and having prayed, layed himself down and fitted his neck to the block with all the calmness of temper and composure of mind that ever hath been observed in any that mounted that fatal scaffold before. He would have no cap to his head, nor be bound, nor have any thing on his face. And yet for all this the butcherly dog, the executioner, did so barbarously act his part, that he could not at five strokes of the ax sever the head from the body. At the first, which made only a slender dash in his neck, his body heaved up and his head turned about. The second stroke he made only a deeper dash, after which the body moved. The third not being the work, he threw away the ax, and said, 'God damn me, I can do no more, my heart fails me.' The bystanders had much ado to forbear throwing



him over the scaffold, but made him to take the ax againe, threatening to kill him if he did not his deutie better, which two stroaks more not being able to finish the work, he was fain at last to draw furth his long knife, and with it to cutt of the remaining pairt of his neck. If there had not bein a guard before the shouldieres to conduct the executioner away, the people would have torne him to pieces, soe great was their indignatione at the barbarous usage of the leat Duck of Monmouth receaved at his hand. There were many that had the superstitious curiositie of dipping their handkercheits in his blood, and carreying it away as a precious relique."

The demeanour of the Duchess of Monmouth during this trying period is thus alluded to by the writer:—"The Duchess of Monmouth has demained her self dureing this severe tryall and dispensatione off providence with all the Christian temper and compositione of spirit that possibly could appeir in a soule soe great and vertuou as hers. His Majestie is exceedingly satisfied with her conduct and deportment all alonge, and has assured her that he will take a cair of her and her childeren. In the afternoone many ladies went and payed the complement of condolance to her, and when they had told her how great reasone she had to bear this dispensatione with that vertue that has appeired always in the actiones of her life, and how the world celebrated her prudencie and conduct dureing her late Lord's disloyaltie and behaviour to the late King, and his unkyndnes to her, that justly gave her a name that few of the former or present ages ever arryved at; to which she modestly replied that she had bought that comendatione dear."<sup>1</sup>

After Monmouth had proclaimed himself King at Taunton, King James fearing that the children of the Duke and Duchess might be made use of for factious purposes, caused them to be imprisoned in the Tower. The Duchess voluntarily followed them thither. While in the Tower the Lady Anne Scott, their only surviving daughter, then ten years of age, died. She was buried in Westminster Abbey, on 13th August 1685. A letter written by the Duchess, apparently to the Duchess of Buckingham, bearing throughout a tone of sadness,

<sup>1</sup> Manuscript in Buccleuch Charter-room.



probably refers to this time of her double bereavement. She says: "Ther is verie feue p[e]opale I can love much, and it is a sad thing not to be with them. I belive death and absence never was mor creuall to anie then me. I do absulutly despair of ever being contented, as I have bine with you, for it is not imagenabl what satisfaction I had to go with you to see my pooir child. But I will not say anie mor of what is past for ever."<sup>1</sup>

The Duke of Monmouth had, on 28th September 1678, made his will and testament, by which he bequeathed the whole of his moveable property to his wife, Anna, Duchess of Buccleuch and Monmouth, appointing her sole executrix. In case of his death before all of his children reached the age of twenty-one years, he appointed as tutors Henry, Earl of Clarendon, George, Lord Melvill, Sir Stephen Fox, and two sons of Lord Melvill.<sup>2</sup>

The resignation and regrant of the Buccleuch titles in 1666 has already been described. After the death of the Duke his English peerages of Monmouth, Doncaster, and Tynedale were forfeited by the Act of the English Parliament of 1685, and it was considered necessary to obtain a sentence of forfeiture against him and his descendants by the Court of Justiciary in Scotland. By proclamation at the Market Cross of Edinburgh, on 9th June 1685, he was cited to appear within sixty days to answer the charge of high treason.<sup>3</sup> The trial, to which his heirs had been cited, was fixed for the 21st December. It was objected that as the heirs were not at liberty to appear, "being either in the Tower of London or otherwise under restraint," the decision "might afterwards be pretended to be a nullity and informality." The Secret Committee deliberated on 4th January 1686, and the King's Advocate said "it was not safe to set the children at liberty, because it might prove pernicious to the Government if they were afterwards made use of as the head of a faction and rebellion." The Court did not agree with

<sup>1</sup> Original Letter in Buccleuch Charter-room. The letter is dated 23d March, the year not named.

<sup>2</sup> Copy Will in Buccleuch Charter-room.

<sup>3</sup> Fountainhall's Decisions. Fountainhall states that the landing of Monmouth in England was not known in Edinburgh on the occasion of the first citation.



him, and continued the case in order to consider if they would have the children sent down to the Castle of Edinburgh.<sup>1</sup> The King gave permission to the Duchess of Monmouth either to go with her children to Scotland or appear by commission and letters of Attorney, which latter course she chose. The Lords, however, refused to register the Commission, and the trial proceeded.<sup>2</sup> On 15th February 1686, the Court “decerned and adjudged the said James Scott, late Duke of Buccleuch and Monmouth, now deceist, his name, fame, memorie, and honors to be extinct, his blood to be tainted, and his armes to be riven forth and delate out of the Book of Armes, sua that his posteritie may never have place, nor be able heirafter to bruike or joyse any lands, lordships, titles, dignities, offices, priviledges,” etc.<sup>3</sup>

The effect of that sentence, according to the law of treason observed in Scotland before the Union, was to forfeit the titles of Duke and Earl of Buccleuch, Earl of Dalkeith, etc., which were held by Monmouth in his own person, and probably also the rights of his children to succeed to these honours under the regrant of 1666 to him and their mother. The right of the Duchess herself to the Buccleuch honours during her life was not affected by this forfeiture of her husband. But the succession to the honours and estates on her death might have raised a question. To prevent this, and to secure them to her family, the Duchess granted a procuratory of resignation at her lodging in the Mews, London, on 16th April 1687, of her honours and estates into the hands of the Crown for a new grant, which was made by a charter under the Great Seal, and bearing date 17th November 1687,<sup>4</sup> to Anna, Duchess of Buccleuch, and after her death to James, Earl of Dalkeith, her eldest son, and the heirs-male of his body; whom failing, to the heirs of taillie and provision named in the entail made by Francis, Earl of Buccleuch, of the title, honour, and dignity of Duchess of Buccleuch and Countess of Dalkeith, Lady Scot of Whitcheater, Eskdail, etc., and earldom and lordship of Buccleuch, with all precedencies, pre-eminences, and liberties whatsoever

<sup>1</sup> Fountainhall's Decisions.

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

<sup>3</sup> Extract Decreet in Buccleuch Charter-room.

<sup>4</sup> Reg. Mag. Sig., Lib. lxx. No. 336.



belonging thereto; and of the lands, lordship, baronies, teinds, and others particularly therein written. This regrant was ratified in Parliament 15th June 1693.<sup>1</sup>

The kindness with which King James accompanied his ready consent to this resignation is referred to by the Duchess in a letter to the Earl of Cromartie. She says the resignation "was verie readly consented to by his Maiesty, and verie kindly he spok to me, which I do valow verie much, and indeed he has ever shown me much favor in what ever concerns me."<sup>2</sup>

While the Duchess enjoyed the honours under this regrant, the Act of 4th July 1690 was passed, rescinding the sentences of forfeiture which had been pronounced against a great number of persons who are particularly named. Among these is "James, sometye Duke of Buckcleugh and Monmouth." The same Act contains a general revocation of all sentences of forfeiture pronounced in Scotland from 1st January 1665 to 5th November 1688. The Act also "rehabilitates and restores soe many of the saidis persones as are liveing, and the memorie of them who are deceased, their aires, successors, and posterity, to their goods, fame, and worldly honour, and to use all lawfull acts and deeds in judgement and outwith the samine: And to all and sundrie their lands, heretages, tacks, steidings, debts, and possessions whatsomever, which they or any of them had the tyme of the leading of the said processes against them." This Act was merely confirmatory of the particular restoration which was made in favour of the children by the regrant of 1687.

It will thus be seen how the Duchess came to hold the Buccleuch dignities in her own right, both after the forfeiture of the Duke in 1685, and also subsequent to the Act Rescissory in 1690, to the exclusion of her son.

When all the resignations and regrants which were made of the Buccleuch dignities are attended to, they resolve the puzzle which occurred to Sir Walter Scott and Mr. T. B. Howell. Sir Walter was mistaken in his "opinion that the dukedom of Buccleuch is at present inherited under the operation of the Rescissory Act of 1690." Mr. Howell was correct in his conjecture of a

<sup>1</sup> Acts of Parliament of Scotland, vol. ix. p. 341.

<sup>2</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 259.



resignation of the honours to vest them in the Duchess, but he failed to confirm it by making an unsuccessful search in the records in Edinburgh, which induced him to state that no grant of the Buccleuch titles could be found between the years 1663 and 1673. He had overlooked the regnant of 1666, which would have explained the difficulty which he and Sir Walter Scott were unable to solve.

In the absence of the real fact, Sir Walter, in a letter to Mr. Howell, indulged his sagacious imagination with the following conjecture:—"I should not be surprised to find that Duchess Anne, who was a woman of very high spirit, had arranged her son's assumption of the title at her own hand, and in her own way, which, as she was indisputable possessor of the whole fortune, her son could have no great interest to dispute."

Dr. Johnson also alludes to the spirit of the Duchess as being "inflexible in her demand to be treated as a princess."<sup>1</sup> In several of the charters granted by her as superior of the town of Dalkeith, she even adopted the somewhat imperial style of "Mighty Princess." Her cousin, Lady Margaret Montgomerie, related that while dining with the Duchess at Dalkeith Castle, she was permitted, being a relative, to be seated, but all the rest of the guests stood during the repast. The Duchess was attended by pages, and served on the knee.<sup>2</sup>

Having remained a widow nearly three years, the Duchess married, in May 1688, Charles, Lord Cornwallis.<sup>3</sup>

During the life of the Duke of Monmouth, and especially in the last few years before his death, the revenues of the Buccleuch estates had been largely drawn upon for promoting the schemes into which he had entered. The writer of the manuscript already quoted, in describing the last interview between the Duchess and the Duke of Monmouth, says, "I forgot to tell your Lordship that among other discourses that past betwixt her husband and her,

<sup>1</sup> Johnson's *Life of Gay*.

<sup>2</sup> Information of the late Honourable William Leslie Melville, brother of the late Earl of Leven and Melville.

<sup>3</sup> This was also the second marriage of Lord Cornwallis. His first wife was Elizabeth, daughter of Sir Stephen Fox, father of the Earl of Ilchester and Lord Holland.



she declared that for the last four or fyve yeares she had received but out of her estate in Scotland 1100 libs., and all the rest being employed by him."<sup>1</sup> After the second marriage of the Duchess with Lord Cornwallis, Sir Stephen Fox, with the advice of Lord Melville, made a careful and thorough investigation into her affairs. As the result of this examination, he advised that a system of retrenchment should be at once commenced, so that the estates should be relieved from all embarrassment. This advice the Duchess and her husband willingly adopted, and they decided to set aside their whole income arising from English sources for paying their debts, and restricting themselves for their maintenance to the revenues of the Scottish estates. On this subject the Duchess writes, on 31st May [1694], to the Earl of Melville :—

"I am to ask a thing I belive will mak you angrie with me, which is this, whether it be possible to repay my son Harry anie other way then out of the curant rent, for it will be mighty inconvenent if that thousand pounds which I wrett to the Comisoners should go to his uess be not remited hithir, and another thousand pound I have drawn from Sir Stephen Fox of Harry's money, so if ther could posibly be a way to pay thes two thousand pounds with anie debt is owing me of anie other arears, or in short anie way, it would be a great advantag to my affairs at this time, becaws I have aloted my jounter here to pay my debts, and would keepe, if posible, my reveneu from Scotland for my constant mentinance. Now, if thes tow thousand pounds are pay'd to my son, it will ocaition my having so litle mony to live on for som time that I know not how to turn my self. . . . You will chid me for beeing in debt, but I am going to retrench extreamly, and get out of it, never to comit that fault again."<sup>2</sup>

The Duchess and Lord Cornwallis having agreed to the reduction of their annual expenditure, the Earl of Melville engaged to see to the transmission of the money from Scotland at regular intervals. Sir Stephen Fox, who had been active in making the arrangement, wrote with much satisfaction to Lord Melville :—

Cheswick, 12th July 1694.

MY LORD,—I have great satisfaction in the honour of your Lordship's good letter of the 23d of June, for it settles the remitting into England £4000 a year,

<sup>1</sup> Manuscript in Buccleuch Charter-room.

<sup>2</sup> Original Letter at Melville House.



which enables me to furnish that sum by weekly and quarterly payments to carry on her Grace's reduced expence at that rate, which her Grace's prudence doth submit to; and since it is in order to get out of debt, the justice of her mind will make it the easier to be borne, though, indeed, the establishment at present is very hard, after their living at above three times as much; but a gangreen must be cured by a violent operation, which is so farr effected that the soonest day it was fitt to enter upon the lessening all expences, and to bring them down to what is practicable, was taken hold on, and your good Lordship's advice therein was pressed, considered, and so prevailed, that now her Grace's family goes on upon the foot of £4000 per annum; and the Exchequer payment here, with my Lord Cornwallis's estate, both may be £7000 per annum, is appointed to be paid to clear all debts. . . . And in this worke (for it proves to be labour) I have a double satisfaction, for it was ever my pleasure to serve her Grace and hers, and by this way I hope to do it effectually for them, and at the same time have an eye to preserving my own grandchildren, who are equally tender to me, that they may come to their father's estate without troublesome debts upon it, and so ease two familys by persisting in the rules set by your Lordship's advice, which, by what I have said, I have good cause to be thankful to your good Lordship for.<sup>1</sup>

It had been represented to the Duchess that a considerable addition would be made to her revenue if she would farm her estates. But to this proposal she would not consent. In any system of retrenchment to be adopted, she would be no party to the oppression of her tenants.

"As to the new farmers," she says, in a letter to the Earl of Melville, "they are lick to get the old ansur from me, that I think I will never farm my estat whilst I live, and I am sure I will not do it now. You know I think it would rewin the tenants, or else, I am sure, oppress them, which I will never do, and I am resolved nobody ever shall do it whilst I live. I think my self sure of your aprobation in the matter, knowing you to be both just and good natur'd."<sup>2</sup>

While thus curtailing so largely her own expenditure, the Duchess made honourable provision for her children. Referring to an arrangement made with one of her sons, she writes from London, 3d April [1696]:—

<sup>1</sup> Original Letter at Melville House.

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



“I would fain have my son resave his full rent of what coms to his shair now, this beeing one terme, so this thousand pound I last resaved he has it all; and pray order the matter, so that as soon as it can, the rest of his money be sent up. You can best calquat what it coms to, but you know it would look ill to run in arrear with him when the settlement is made so firm and well; it would look lick some other parants who do not keepe ther articalls with thair children, and I would not imitatt them. I shall most exactly add to the papers you left with me till the whole expence be sett down, which is allmost all pay'd for. Now I give no mor gifts since the revnew is begun to be pay'd. You understand me; all I proposed was to clear his wedding, which you know will put him befor hand now at the begining of setting up, and being a married man, and he is verie sensabl of this kindness.”<sup>1</sup>

Scrupulous as the Duchess was to do ample justice to her children, it was her purpose to retain in her own hands during life all her rights and possessions. She therefore steadily declined, what has been sometimes done by parents, to transfer to her eldest son in fee her estates, reserving to herself only a liferent interest. On this subject she thus writes in a letter from London, 3d September [1698]:—

“I would have put my son in fee of my estate when Gream would have hade me given him half, but till I chang my mind I will keep all the rights I enjoy from God and my foirfathers. I did not com to my estate befor my time. I was my sister's aire, and I bliss God I have children, which I trust in His mercy will be mine when I am dead. The Duchess of Hamilton is but a woman, and wee are not such wis creatures as men, so I will folow no exampull of that sort till I see all the nobellmen in Scotland resin to ther sons, then I will consider of the busines.”<sup>2</sup>

The same determination is expressed in another letter to the Earl, in which, after calling herself his sister, she adds, “for so I am to you, but a man in my own famelly.” The following is the letter:—

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> *Ibid.* The Duchess of Hamilton married William, Earl of Selkirk, who was created Duke of Hamilton for life. After his death

her Grace resigned her honours in favour of her eldest son, James, Earl of Arran, to whom a new Patent was granted, creating him Duke of Hamilton.



London, Novem. 19 [1698].

I was much parplected for two or three days for fear of my nephew Leven. I heard he was dangrously ill, but your letters of the 10 and 12 has put me at eas, for you say he is better, and by your letters it seems he was not so sick as I heard. I pray God make him well and keepe him so. I shall send the comisions next wick if wee can wrett them here, but to tell you the truth, I do not well understand by your letter whithir or not thes papers should be signed by Lord Rochester and me; for if the layers differs never so much, yit thy must com to a conclusion at last what wee are to do. And for ther particular debats I am no judge whithir thy have reason or not, or who is in the right or who is in the wrong. So that all one can desir to know in on other countray is what thy all agree to at last: as when physions consults for a sick person it is only what ther last agreement determins that is fixed on to mak the dosse. As to the other proposition I have given my answr as fully as can be esspress'd, so I'le say no mor to troubl you with the matter, only this, I'le never light anie body doun stares in my own hous, as the Empriour Maximilion did, for fear I should repent it. Tho I love my child as well as anie body living ever lov'd ther own flesh and bloud, but will never be so blinded whilst I keepe my reason as to lessen my self in my own famelly, but will keepe my outhorety and be the head of it whilst it pleases God to give me life. And I hope Jears will have the witt to do so to, and Frances also; and I trust in God a neumourus race from him, and all of a mind to keepe ther own firmly, as ther old grandmother will do, who, God be thanked, hes not disgraced them. By this time, for all your gravety, I am sure you lawgh at your sister, for so I am to you, but a man in my own famelly. You will be wereyde with this scriblin.

I am,

Intirly yours,

A. B. C.

I thank your Lordship for this second paper consarning this busines of the Duck Somerset. I will ansur it at large by itself—my leter is to long now.<sup>1</sup>

The initials "A. B. C." were commonly signed to the letters of the Duchess after her marriage with Lord Cornwallis. The initials were for Anna Buccleuch and Cornwallis.

<sup>1</sup> Original Letter in Buccleuch Charter-room.



The Duchess was much gratified at the attention which the Earl of Melville had bestowed on her affairs, and being apprehensive that his public duties would prevent him continuing the management of her business, writes to him :—"Can you mind my busines at this time when ther is so much public affairs? I shall be much obliged to you if you do, for you know I ues to say, you mind your countray as much as the old Romans ever did."<sup>1</sup>

Again, writing to him from London at a later date, she says :—"I thank you for your letter, the mor becaws I know your good Lordship to be the lazeyest body living at wretting. My sister Wemys complains most horribly of you, not that I was desir'd to say so."<sup>2</sup>

On 17th July she writes :—"I hate long letters; but I wish you often by me. I think you love to end your letters with a compliment, but I dare say we shall never fall out,—at lest it shall be your fault if we do, and so I conclud this silly letter."<sup>3</sup>

Having received intelligence of the death of Alexander, Lord Raith, eldest son of Lord Melville, on 27th March 1698, she wrote the following letter of condolence to his Lordship :—

London, April the 5, [1698].

I am so much greev'd for the death of my nephew I know not how to expres my self; indeed, it was a surpriss to me, for I did hope he had been beter, for so I heard he wass. I will not trouble you much now. I pray God to comfort you and all his relations. My poor sister, I will wrett a line to her. I am as much consernd for you as one body can be for another.—I am most faithfully yours,

A. B. C.

For the Earl of Melville.<sup>4</sup>

Her relations with the Earl of Leven, son of the Earl of Melville, were at this time of the most friendly character. Writing to him from London, June 1 [1700], the Duchess says :—"In your last letter you claim the comendation which, indeed, you desarve for the manie letters I have had

<sup>1</sup> Original Letter at Melville House, dated London, 22d June—the year not given.

<sup>2</sup> *Ibid.*, dated 20th May—the year not given.

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

<sup>4</sup> *Ibid.*



from you of lait; but I mean your volantary letters, not those your father made you wrett, for thos you could not helpe. You see I distinguis nicely."<sup>1</sup>

Again she writes to him :—

“Your two last wer both wrett at extrorandry times, first at the begining of a battall, as it proved, next the begining of your Lady’s labour, of which I hope to hear good news. I am glad your father had no ill accident in that disorder. I am as much conserved for him as you can be. . . . I hope in God all things will soon be quaitt amongstist you. I do as much long to go to Scotland as ever I did to anie thing in my life, but not if wee have not peace and quaitness.”<sup>2</sup>

The Buccleuch Muniments, which have escaped so many dangers, were saved from destruction in the year 1700 mainly through the energy of Lord Melville, who had his hand and arm badly burned in saving them from destruction by fire. They had been stored for security in a new stone building in Parliament Close, which was destroyed in the great fire in Edinburgh in the year 1700. Lord Melville, writing some years afterwards to Lord Craighall, says: “I am obliged to make use of a borrowed hand when I can have it, wanting the use of mine own for a long time, which obligation I owe to her Grace, among many others.” A contemporary paper relates that “had not hee concerned himselfe verie much to preserve her peapers, its probable they had gone to the flames.” Melville took lodgings in the stair to which the papers were removed, to be at hand in case of accident, “and actually ane fyre fell out in the Lukenboothes, just over against it in the tyme.”<sup>3</sup>

In the summer of the year 1701, the Duchess resolved on making a journey to Scotland, and residing for some time at Dalkeith Castle. The long residence of the Duchess in England had produced a belief among her tenants in Scotland that she had lost all attachment to her native land. This belief, as has been already shown, was wholly groundless. Although the early age at which the Duchess went to reside in England, the circumstance of her marriage, and the surroundings of the Court, must have done

<sup>1</sup> Original Letter at Melville House.

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

<sup>3</sup> Documents at Melville House.



much to obliterate her recollections of the land of her birth, she repeatedly asserted the possession of her "Scotch heart," which, she assures Lord Royston, is "the same I brought to England, and will never change," and expresses her desire to revisit her native country. Writing to him at a later period, she remarks, "I believe I should think the hills of Liddisdale as present as your Lordship did, for I really long to be in Scotland again."<sup>1</sup> Writing afterwards to him for his advice concerning the purchase of land, she says: "I am really groun covettus to inccess my land in that part of dear Scotland."<sup>2</sup> Her anxiety to complete another purchase of land in her native country, she explains by the remark, "You see I am, as I was born, a Scotts woman."<sup>3</sup>

Her residence apart from her estates, however, had altered in great measure the relations which had formerly existed between the chief and the other members of the clan. The change which had taken place, and the regretful longing for a return of the old times which had passed away, are described by Satchells:—

In England now the Dutches dwells,  
Which to her friends is a cursed fate,  
For if they famish, starve, or die,  
They cannot have a groat from that estate.  
The times of old are quite forgot,  
How inferior friends had still relief,  
And how the worthiest of the name,  
Engaged themselves to hold up their chief.  
And in requital of their love  
His honour took of them such pain,  
They never went unto the law  
'Gainst one another at any time;  
In whose case or cause soever it was,  
Debts, riots, or possessions,  
Their chief he was immediat judge,  
The lawyers got nought of them.<sup>4</sup>

<sup>1</sup> Original Letter in Buccleuch Charter-room.

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

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

<sup>4</sup> History of the Name of Scot, p. 51.



The existence of this feeling may have become known to the Duchess, and she may have expected a reception not altogether courteous from the humbler residents on her estates, as in a letter to the Earl of Leven, announcing her intended journey, she says, "I hope non of the moab will com to meet me." But she adds:—

"For p[e]opall of quality I shall think it dos me honour, so they do not trouble them selves to go but a verie little way. You will wonder at my fancy, but I have a reason for it. Som popall has indevored to make it thought I never desir to be acquainted with my own countray men, which is not so, for I never avoided anie who would be sival to me. You have my reason, in short, why I refuss non that cars to come, as I say'd befor, for a litl way. The shipe sets out on Munday or Tiesunday. . . . I may tell Elho I thank him for his one letter, but he should have answred mine."<sup>1</sup>

Of her preparations for the journey, the Duchess writes, apparently to Lord Melville, on 21st June:—

"I am oblidged to you for your intemation of what I must carry from hance. Duches of Queensbiery told my daughter Dalkeith that the Ladys sent to England for ther clothes, and that ther was no silk stufs fit to be worn ther. Pray ask your Lady if this be so, for if it is wee will furnish ovr selves here; but if it be not so, wee will buy as wee want when wee com thair, and be drest like other good Ladyes, and break non of your Acts of Parliment."<sup>2</sup>

After giving minute directions as to the furniture and hangings for Dalkeith Castle, some of which she was sending from London, she adds:—

"I do most heartily long to be amongstt you. I wrett to you yisterday. You will never forgive thes two leters coming so soon together. You will think me extravegant in marble, but it is to shew you I do not dispyse my old Castle."<sup>3</sup>

The Duchess did not at this time intend to take a house in Edinburgh, as she writes:—"I am so near Edinburgh at Dalkeith that I shall need no

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> Original Letter in Buccleuch Charter-room.

<sup>3</sup> Original Letter at Melville House.



lodgings in town. I intend to go south to my territories, but not till I have settled all my young children at Dalkeith; so from London to Dalkeith is the word."<sup>1</sup>

It will afterwards be seen that in a few years subsequently, the Duchess thought it proper to have a house in Edinburgh, and that she purchased from Lord Cromartie his house in Macmorran's Close, in the Lawnmarket.

Soon after she made her journey to Scotland, and probably arrived there early in October. In a letter dated Dalkeith, October 24, year not given, but apparently written at this time, she writes:—

"I think it a long time since I saw or heard from your Lordship. Though everie body told me you wer going to England, I did not believe it, because you sayd nothing of it when I saw you last. I begine to think Elcho has infected you. I wish you good journey first hither, then wher ever you go. Adieu.

"My service to your parents and children."<sup>2</sup>

On her arrival in Scotland, the Duchess took up her residence in Dalkeith Castle. Among her earliest visits was that which she paid to her brother-in-law George Earl of Melville, at Melville House. She met with a very cordial reception. On her return to Dalkeith she wrote the following letter, apparently to George, Earl of Melville, expressing the gratification which this afforded her:—

Dalkeith, November the 18, [1701].

The mesanger I intended for Fife, both for the cerimonell and kind part, being sick, makes me glade to take the oportunity of your own servant to give my most hearty thanks for the kind reseption I found when I was with you, in which time I might safly swear I thought myself happier than I have beene of severll years, for I do avoue I think it the greatest blissing the world can give, to live with kindnes on both sids amongst one's relations, and to finde them both nearest of bloud and frindship. My Lord Leven says you have got a sore eye, which I am verie sorry for, and hope it will not continew, so as to prevent your coming on this side of the wattar, for I am impatient to see you. My dear Lady

<sup>1</sup> Original Letter, apparently to the Earl of Melville, at Melville House.

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



Leven is most extreemly wanted by her most affectionat aunt and humbl servant. This looks to formall, therfor let me end with the greatest truth I can now think of, which is, that I do love you most dearly. A. B. C.

I long to have my dear Lady Marye<sup>1</sup> here. God bliss her and the rest.<sup>2</sup>

Soon after her arrival at Dalkeith Castle, the Duchess interested herself in procuring the pardon of a poor man who had rendered himself obnoxious to the Government by drinking the health apparently of King James the Seventh, induced when half drunk to do so by an innkeeper, who had promised him as a bribe as much as he could drink for a whole day. The Duchess, it will be seen, was in advance of her age in the opinion she held, that "whair ther is no murdar, I would have nobody dey befor ther time." The letter was written to the Earl of Leven, then a member of the Privy Council of Scotland :—

Dalkeith, December the 13, [1701].

Your Lordship will think me soliciter for all mankind, but whair ther is no murdar, I would have nobody dey befor ther time. All I know of this matter you will see in this inclosed. Now I know not which way to endeavor the preservation of this poor man, but if it can be don, if you would give me drection or helpe in this, do not laugh at me. I am no soldeur, but a poor merciful woman. I am, your Lordship's humble servant,

[ ]

As I just now hear this storey since I began to wrett, the landlord of the hous betrayed this man, and by promising him drink for a whole day if he would drink the helth he bid him. This wer no excuss for a sober man, but he was to full befor. Lord Tarbatt sent this petition to me in a letter.

For the Earl of Leven.<sup>3</sup>

This was not the only instance where the Duchess interfered to save the life of a Jacobite. Sir Walter Scott, Baronet, of Abbotsford, relates in his Autobiography that his great-grandfather, who took arms under Dundee and Mar, and who derived his cognomen of "Beardie" from leaving his beard

<sup>1</sup> Lady Mary, daughter of David, Earl of Leven, and Lady Anne Wemyss. She married William, Earl of Aberdeen.

<sup>2</sup> Original Letter at Melville House.

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



unshorn in token of regret for the banished Stewarts, ran "a narrow risk of being hanged had it not been for the interference of Anne, Duchess of Buccleuch and Monmouth."<sup>1</sup>

On the occasion of the death of the Countess of Leven, the Duchess wrote to her sister, Margaret, Countess of Wemyss:—

Dalkeith, January the 14th, [1702].

MY DEAR SISTER,—I can not bot lament the great loss you have hade of so good a daughter ; indeed I was much pleased to see my dear nephew so happy in so good a woman. But what pleases God must be born with submission. I shall be ever much concerned for what ever befalls you or onie of yours, for besides my relation, I am more obliged to your Lord and your children then to all the world.—I am, most sincerely, your most affeccionat sister and humble servant,

A. BUCCLEUCH.

My son Dalkeith and his wif are your most humble servants.<sup>2</sup>

The friendly relations which had existed so long between the Duchess and Lord Melville and the Earl of Leven, who had managed her affairs in Scotland, were broken off soon after the arrival of the Duchess on this visit to her estates in Scotland. A long and unfortunate lawsuit followed on their estrangement, and still further embittered their feelings to each other. Several circumstances which happened about the time of her visit contributed to their quarrel. Mr. James Grahame, advocate, who was one of the commissioners of the Duchess, and also acted as her legal adviser, had taken possession of Dalkeith Castle as a residence. The Dalkeith Chamberlain reported to the Duchess many proceedings of Mr. Grahame, which were very prejudicial to her interests and those of her tenants.<sup>3</sup> On her arrival at

<sup>1</sup> Lockhart's *Life of Scott*, vol. i. p. 3.

<sup>2</sup> Original Letter at Wemyss Castle.

<sup>3</sup> Nairn reports, among other things, that Grahame had turned part of the Castle into a brewery, and that he kept so many cows that he supplied the whole country round with milk,—in both these cases not only misusing the property of the Duchess, but interfering with the legitimate profits of her

tenants. His cows had also been turned into the deer enclosures—Mr. Nairn protesting. Among a number of other offences, Nairn mentions "his servants tying cords from glass band to glass band in the great hall and gallery for drying of cloaths, so that the weight of them pulled glass and all to the ground."



Dalkeith, the Duchess had spoken her mind freely to Mr. Grahame, for he wrote to her what he called a "Vindication," of which production the opinion of the Duchess is given in a letter to her nephew, the Earl of Leven :—

"This is to inform your Lordship, that if yow wer still at Edinburgh, I wish to see yow befor yow go to Fyfe; but wherever you ar this is to find yow out, to let yow know Mr. Grahame sent a letter to me yesterday, and the most insolent paper inclosed was euer written, as if your father and myself wer the greatest cheats liveing. I believe in England he would be served as Fowler is. I will not tell yow the particulars, nor send yow a copy, for I hope your father nor yourself will not stay long in Fyfe, because neither of yow spoke of haveing much busines their at this time. Upon my word, no countrey but this would let such a thing go unpunished. Pray tell my Lord Melville the aire is very good here, and such a rogue and cheat as he and I should be oftener together. I would give anything yow were here now, because I believe he intends to print this fine paper. However, something should be done. I can not brag of being very well yet, but I will do what I can to be so, to lay about me amongst my enemies."<sup>1</sup>

It is evident, from the contents of this letter, that the Duchess and Lord Melville were still on cordial terms. Mr. Grahame, believing—evidently without just cause—that the Duchess had acted towards him at the instigation of Melville, wrote another letter to her, continuing his insinuations of his Lordship's corrupt management of her business.

The general receiver of the Buccleuch estates, Mr. David Scrymgeour of Cartmore, died in 1700, about two years before the Duchess came to Scotland. He had for some time previous to his death carried on the business of a money-lender, but his speculations proved ruinous. In his intronmissions with the Buccleuch rents, it was found that he was many thousand pounds in arrear. Mr. Scrymgeour, before his death, made an assignation of his private property to Mr. James Melville, for the purpose, as alleged by Lord Melville, of securing the interest of the Duchess. Since her arrival in Scotland the Duchess had learned this, and many other matters

<sup>1</sup> Copy Letter at Melville House.



relative to her estates, which generated a suspicion in her mind that she had not been fairly treated by those who had charge of her affairs.<sup>1</sup>

This suspicion appears to have suggested an examination into another transaction which had taken place about ten years previously. About the time of the marriage of the Earl of Dalkeith, it was proposed that a provision should be made for Lord Henry Scott, the second son of the Duchess. In order to raise the money for this purpose, it was determined that an assignation should be made to the Earl of Leven and Mr. James Melville of certain arrears and balances belonging to the Duchess in the hands of various parties in Scotland, chamberlains and others; and they undertook, for that consideration, to provide £8000 sterling to Lord Henry Scott. The arrangement appears to have turned out very profitably for the Earl and his brother, so much so that the Duchess did not hesitate to say that the bargain had been entirely misrepresented to her, or she would never have made it.

Possibly all these circumstances could have been satisfactorily explained, so far as Lord Melville and his sons were concerned, if friendly explanation had been admitted before their estrangement. But the Duchess was so irritated and indignant at what she conceived to be the perfidy of her friends, whom she had trusted so long and so completely, that she gave instructions for legal measures to be taken.

Writing to the Earl of Cromartie, and referring to the many changes of statesmen—

“Which evrie day nams others then wee heard of the day befor,” she adds, “this sort of varietty is not verie deverting,—only when Leven is named,

‘Who’s honesty but som few will suear for,  
And not a man of them know wherfor,’

as Mr. Heudibrass truly says of his man, if he was lick his Lordship.”<sup>2</sup>

<sup>1</sup> Mr. David Scrymgeour was the eldest son of Mr. James Scrymgeour of Cartmore, and married, in 1682, Helen Aytoun of Inchdairney. In 1703 Mr. Henry Scrymgeour of Bowhill was charged to enter heir as

cousin and only nearest in kin to him. Buccleuch Inventory of 1750.

<sup>2</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 270.



The litigation continued with considerable bitterness for several years. The Duchess again refers to it in a letter to the Earl of Cromartie. She writes :—

“I wish Leven and his father both better health and more honesty, that this wicked busines may give me no more trouble. I am sure it will not be long befor wee shall see wher the victory will light, both at Court and campe ; tho it gos not allways, as Alexander would have leftt the world, to the most deserving.”<sup>1</sup>

The matters in dispute were eventually decided, in the year 1711, by arbitration. Lord Melville felt very keenly the breaking up of a friendship which had continued for so many years. In a letter to Lord Craighall, dated 28th June 1705, after referring to the many services he had done to the house of Buccleuch, he alludes to the implacability of the Duchess, “who has endeavoured so much to make good her word in the ruining me and my family.” A counter claim which he had lodged in the process does not seem to have been admitted by the arbitrators, in allusion to which he says :—

“I am an old man and valetudinary, and would willingly buy mine ease and quiet now in my old days ; but it seems hard enough, all things considered, to be put to quite my claime, which I willingly would do for peace cause, though I be not put to pay money, being so vast a looser already, having not only been obliged to spend so much money, neglect mine own affairs—which has been very prejudicial—and prejudged my health so much, bringing myself into so much trouble and so many inconveniencys which are so noture to many.”<sup>2</sup>

The Duchess was still in Scotland in the month of April 1702. In a Sederunt Book of the setting of the Buccleuch lands at Hawick in that month, the name of the Duchess is signed at all the sederunts. Her Grace again visited her native country in 1705. The Earl of Rochester, in November of that year, sends her some writs from London to the care of the

<sup>1</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 274.

<sup>2</sup> Copy Letter at Melville House.



Mayor of Berwick, to whom he requests her to send for them. His letters are directed to Edinburgh.

Between the Duchess and George, first Earl of Cromartie, a friendship existed for many years. To him and his son, Sir James Mackenzie, Lord Royston, her Grace was much indebted for advice in the management of her extensive estates in Scotland. Writing to the Earl from Moorpark, on 19th August 1694, the Duchess expresses her hope of seeing him once again in England. She assures him her mind was not changed towards him, for what began in her childhood would not alter in her age.<sup>1</sup> In a letter to him from the same place, 28th October, she tells him that she thought by his writing that he believed she did not care for his visits when he was in England. He had misunderstood her. She used a wrong phrase when she said, "We should wear out of acquaintance, for it seems wee 'are not yit acquainted; at lest you are not with me, if you think your visitts or advice is not as welcome to me as it is possibl anie bodys alive." Her daughter Isabella should be trained up to love his Lordship, as her mother did before she could speak or walk. The Duchess informs him that he has another friend coming "to comfort my frind Tuadall in his old age."<sup>2</sup> This coming friend was Francis, afterwards second Duke of Buccleuch.

John, Master of Tarbat, eldest son of Lord Cromartie, was concerned in an unfortunate quarrel, which ended fatally to one of the parties, a Frenchman of the King's Guard. Replying to a letter from the Earl informing her of the acquittal of his son, the Duchess says,— "It informs me how victoriously wee are com off, so that I doubt not but the Queene will take your word and mine hereafter sooner then your son's false accusers. I was allmost as much consernd for him as your self."<sup>3</sup>

Writing to the Earl from London, 12th January 1695, she refers in affectionate terms to the death of Mary, Queen of England, who died on 28th December 1694:—"Not having urett to aney of my frinds since the death of the incomprabl Queen, I cannot but begin all my letters of this

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 265.

<sup>2</sup> *Ibid.* pp. 266, 267.

<sup>3</sup> *Ibid.* p. 263.



post with lamentations. You know she was kind to me, and besids had all good qualitys man or woman could have."<sup>1</sup>

The relations between the Duchess and the Earl of Cromartie were to become still more close. Her half sister, Margaret, Countess of Wemyss, who, in 1680, succeeded her father, David, second Earl of Wemyss, in his estates and honours, married, first, Sir James Wemyss of Caskieberry. By him, whom King Charles the Second created Lord Burntisland for life, and who died in 1685, she had issue David, afterwards Earl of Wemyss, and two daughters, Lady Anne Wemyss, who married David, Earl of Leven and Melville, and Lady Margaret Wemyss, who married David, Earl of Northesk.

In the autumn of the year 1695, the Duchess was visited by her sister, who had then been a widow about ten years. The Countess, in writing to her daughter, Lady Anne Wemyss, the wife of David, Earl of Leven, from London, 21st October [16]95, along with other gossip, gives some particulars about her sister, the Duchess:—

"I hope you will grow stronge, and be better and better with every child till all your twenty be borne that you used to wish for. My dear, I can tell you noe news, but that you have in the publick letters, save quhat wee are doing here, which is somtymes to waitt on the Princess, and wee goe seldome abroad, for wee have but few acquaintances yet, which I think noe loss. Your sister and brother are very busie learning. I leave it to themselves to tell you what. . . . My sister Buccleuch is still in the contrey. She has wean'd her daughter, who, they say, is a very bony babe, and so is my Lord Dalkeith's sone. The King is to be att Culford in his progress, and my Lord Cornwallis is so much taken up with the new elections for a Parliament, that it will keep them some weeks longer in the contrey."<sup>2</sup>

Having remained a widow for fifteen years, the Countess of Wemyss

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 267. The death of Queen Mary is thus noticed in a contemporary journal:—"1695, January 7.—On Friday the 28th of December, before one in the morning, the Queen dyed at King-sintown, having been some few dayes ill of the

small pokes."—[Memorandum Book of Mr. David Scrimseour of Cartmore. MS. in Buccleuch Charter-room.]

<sup>2</sup> Original Letter at Melville House. The letter does not bear the name of the writer, nor the person to whom it was addressed.



married, in 1700, the Earl of Cromartie, at that time Viscount Tarbat, who was then in the seventieth year of his age. The marriage caused much amusing talk among their friends, the qualities of both being very marked. Lord Tarbat had been previously corresponding with the Duchess Anne; but the Countess of Wemyss had made no reference to the approaching marriage in her letters to her. In reference to this marriage the Duchess thus writes in a letter to the Earl of Leven, dated London, 28th March [1700]:—"Tarbat wrett a bantring letter to me, and I wrett just such another to him; but my sister did not naim him in her letter to me, so I shall make no serious answer to him till she owns it, for I think it should have bene from her self that I should first have heard of it. Every body here that knows them both laughs at it. She should not pretend her children are undutifull, for no body believes they are so."<sup>1</sup>

At last the Countess of Wemyss, in writing to her, simply referred to the marriage in the end of her letter. Offended at this laconic courtesy, the Duchess wrote, in a letter from London, 9th May 1700, to her nephew, David, Earl of Leven—"At last I had a letter from my sister Wemyss, dated the 28th of Aprill; the last line of it was she belived she should be married to-morow or next day. A hansom warning for a sister of a thing of that consequence; it shows such kindnes to me, but I shall hear the busines is over befor I wish joy. I did answer all the letters he<sup>2</sup> wrett of it to me, but I sopus did not lick my letters, so say'd they miscarey'd."<sup>3</sup> At a later date she writes to him:—"Pray lett me know how matters gos with the new marid copell. I have heard nothing of them since the first time my sister was pleas'd to inform me of her belife that she should be marey'd next day."<sup>4</sup>

After the Union between the kingdoms of Scotland and England, the Duchess gently censures Lord Cromartie, who had been a zealous promoter of that measure. In a letter to him from London, 23d July 1708, she writes:

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> The Viscount of Tarbat.

<sup>3</sup> Original Letter at Melville House.

<sup>4</sup> *Ibid.*



—“I must say my Lady Northesk gives you a just reproch, for you had a great strok in this unlucky Union, and ought not to be forgiven till it is made better. Then you shall have a free pardon from all good Scots people.”<sup>1</sup>

About the year 1712, the Duchess thought it necessary that she should acquire for herself a house in the city of Edinburgh, although, in her earlier visits to Scotland, she did not care for one, being so near while at Dalkeith. Her desire for an Edinburgh house arose some years after the death of her half-sister, the Countess of Wemyss and Cromartie, who, on her marriage to Lord Cromartie, was infested in his house in Edinburgh. In the disposition by him in her favour, the house is described as that upper lodging in the back land on the south side of the “Land Mercat,” in Macmorran’s Close, as then possessed by Viscount Tarbat and his Countess, and the cellars and vaults belonging thereto; and also a fore-tenement of land on the south side of the High Street.<sup>2</sup>

From her visits to her sister and her husband Lord Cromartie, while the house was occupied by them, the Duchess had known the house well; and thinking that it would suit her, after the death of her sister, the Duchess made a summary acquisition of it from Lord Cromartie in this way: He owed her a sum of money, which was secured by his bond. The Duchess, in a letter addressed to the Earl of Cromartie “at his house in Edinburgh,” and dated London, August 7 (*circa* 1712), proposed to exchange his bond to her for his house, in the following terms:—“I think it verie proper I should have a hows in Edinburgh, and therfor if it be most convenient to you to pay me this way you propos, I shall be verie glad to make a bargain with you, and in order to it I have here inclosed the summe which your bond, I belive, now amounts to.”<sup>3</sup> In the same letter the Duchess writes, although on another subject than the purchase of the house, “All the world are for themselves, so I am for me.”

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 272.

<sup>2</sup> *Ibid.* p. 457.

<sup>3</sup> *Ibid.* p. 278. The “summe” referred to

evidently means a note of the amount of the bond, and interest thereon, and not the money specified in the bond.



The Duchess was proud of her own old castles and mansions. On her visit to Dalkeith in 1701, she made great alterations and repairs on the ancient Castle of Dalkeith; and, afraid of being accused of her extravagance in marble, she wrote that it was to show that she did not despise her old castle. The aspect of the castle was entirely changed by the alterations made by the Duchess; and the present mansion of Dalkeith is very much the same as it was altered and left by her. From her desire to be treated as a princess, and to have her castle correspondingly known as her palace, it was soon after her visit to Dalkeith in 1701, and the alterations made on it, that the old castle came to be called a palace, a name which, with varying intermissions, has continued to the present day, and it is popularly known as the palace, although the origin of the name of palace is not generally known.<sup>1</sup>

The confidence which the Duchess placed in the judgment of Lord Royston has already been referred to. He was for many years one of her Commissioners for letting lands in Scotland. The Books of Sederunt show that he acted in that capacity from 1711 till 1731. A considerable number of the Duchess's letters to him are preserved. She assures him that though early removed from Scotland to England, where she resided during the greater part of her life, she ever retained a warm affection to the land of her birth. "The Scotts hart is the same I brought to England, and will never chang, as I find by long experience." Having informed him of the marriage of her grandson, Francis, Lord Dalkeith, to Lady Jane Douglas, sister of the Duke of Queensberry, she exclaims, "God bliss Francis, and give him sones and no daughters!" Having abundance of deer to spare, she tells him that, if he loved venison, he would eat it oftener; and she took it very ill that he thanked her for the present of a buck, when he knew he might command as many as he pleased. Writing to him with instructions as to the appointment of chamberlains and letting her farms, the Duchess remarks:—

<sup>1</sup> "Accounts of Mason-work wrought at 1703, and ending in 1709," in Buccleuch the Palace of Dalkeith, beginning in the year Charter-room.



“I have ever found the best gentlemen to be the worst tenants, for which reason I have of late excluded all such, as well as the chamberlains. Whoever told you I should employ none in my service but gentlemen of influence in the country told you their mind, but not mine, and I desire to think for myself.”

Lord Royston and his father having written to the Duchess requesting her concurrence and help towards the maintenance of an Episcopalian clergyman at Dalkeith, she replied as follows:—

London, 6th April 1714.

MY LORDS,—Your regard for those religious meetings of the Church of England that are setting up amongst you, and your recommending to me the contributing towards the support of that at Dalkeith, and encouraging Mr. Fowlis, there Episcopalian minister, does occasion your Lordships this trouble to cause an impartial enquiry to be made what contributions or encouragement Mr. Fowlis may at present have from his congregation, and what may be further needful for me to give; and then upon his giving testimony of his affection to the Queen and civil government, and on his and his people's behaving themselves quietly and peaceably towards others, I shall willingly contribute to the minister's encouragement and the upholding of his congregation, and refer it to, and will acquiesce in, your Lordships ordering Innes, my chamberlain, what and how to give it him from time to time during the pleasure of

My Lords, your Lordships' obliged humble servant,

BUCCLEUCH.

To the Right Honourable the Earl of Cromartie and Lord Royston, Edinburgh.<sup>1</sup>

The ecclesiastical settlement at the Revolution had made an alteration in the exercise of patronage in the Church of Scotland, giving to the congregation the right of approving or rejecting the presentee. On the occasion of a vacancy in the church at Dalkeith, the Duchess writes to the Earl of Cromartie asking his advice regarding a Mr. Mein, who had been recommended to her, “for,” she adds, “if I may not absolutely chous, I would, however, have the best of the gaung.”<sup>2</sup> Of the appointment of a minister

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> The Earls of Cromartie, vol. ii. p. 261.



for Hawick church, her Grace gives her opinion that "of all the candidats for Hauick, I am for the modrat man." Having made arrangements for the payment of an assistant to the minister at Dalkeith, her Grace writes to Lord Royston: "I have fixed a sume for the minister's healper at Dakith as you proposed, so the kirk will love uss both, but I fear will not reckon uss of the number of the godly."<sup>1</sup>

In the appointment of schoolmasters the Duchess also applied to Lord Royston for his advice, expressing at the same time her own opinion of the candidates and the qualifications required. She asks him on one occasion to undertake "a troublsom busines for my ease, that of placing a scholl master at Dalkeith. Thuss much I say for myself; and now I am to wrett your father's words, who is sitting by me—Choos one qualified for the place as a scholar, and one who is not high flown upon any account."<sup>2</sup>

In purchasing land, which she latterly did to a large extent, the Duchess often communicated her intention to Lord Royston, and solicited his advice. Having heard that Scott of Harden was willing to sell an estate in the Forest which, from its situation, her Grace considered an eligible purchase, she wrote to Lord Royston, informing him that she "greined" (longed) to hear more of the proposal. But in making additional purchases of lands it would be necessary for her to pause, that she might not imprudently involve herself in debt. Her jointure, which had fallen into arrear, but was promised in time, she intends to invest in land, and remarks, "I own I should be glad to buy Scotts land with English money," which was no doubt accomplished, as in a subsequent letter she writes: "The Queen has been verie kind to me, for it is not often that fourteen thousand pounds are all payed at one time."<sup>3</sup> The attachment of the Duchess to her family inheritance, and her determination to preserve it intact, are mentioned by George Leslie, who, writing to Lord Royston by her Grace's command, says that she "will never pairt with one inch of ground that ever did belong to it. However, this is not to tye her Grace up from giveing what she thinks proper, either by way of charitie

<sup>1</sup> Original Letters in Buccleuch Charter-room.

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

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



or as a reward to those who have done her service, but that such gifts and rewards shall always be in gude hard siller, without touching on her paternal estate."<sup>1</sup> Of the sheep on her lands, she boasts that few could equal her in furnishing St. Boswell's Fair with them.

The most important additions made by the Duchess to the Buccleuch estates were the lands and lordship of Melrose and the barony of Smeaton. The lordship of Melrose was acquired for the price of £18,399, 15s. 3d. in the year 1722 from Thomas, Earl of Haddington, whose title of Earl was at first Melrose, till he obtained a change to Haddington. The lands of Smeaton were purchased in 1707 from Sir James Richardson. A disposition was also made by Sir James Richardson of five colliers and twelve bearers to work the Smeaton coal, the colliers at that time, like the salters, being fixed to the land and disposed of with it.

New entails were made by the Duchess as well of her old estates of Buccleuch as of the properties which were acquired by herself in the course of her long life. Her Grace, with consent of her grandson, Francis, Earl of Dalkeith, and his curators, made a procuratory of resignation of the earldom and estate of Buccleuch for new infeftment to herself in fee, and failing of her, to her grandson, and the other heirs therein mentioned. That procuratory bears date 14th December 1714, 29th January, 2d and 28th February, and 14th March 1715. The Duchess also made a bond of tailzie of the earldom of Buccleuch and other lands therein mentioned, dated 18th January 1715. An instrument of resignation was expedited on 22d June 1715, and a Crown charter followed thereon on the same date. The Duchess and the Earl of Dalkeith were infefted on the 17th of September in the same year.<sup>2</sup> These deeds related solely to the old estates of Buccleuch.

To the extensive properties acquired by the Duchess by purchase, her Grace provided her great-grandson, Francis, Lord Scott of Whitechester, eldest son of Francis, Earl of Dalkeith, and the other heirs of tailzie therein

<sup>1</sup> Original Letter, dated 25th December 1731, in Buccleuch Charter-room.

<sup>2</sup> Buccleuch Inventory of 1750.



mentioned, by bond of tailzie dated 13th April 1731, and registered in the Register of Entails on the 3d, and in the Books of Council and Session on the 18th February 1748. That entail included the barony of Eastpark, formerly called Smeaton, the lands of Nether Newhall, otherwise called Burnfoot, the lands of Easter and Wester Hassendeans, Aberlosk, Tweedhope, the lordship and regality of Musselburgh, the lands of Easter and Wester Kirkhopes, Earnhaughs, Deadhopes, Howford, Fauldshope, Gilmanscleugh, and others therein mentioned. Francis Lord Scott of Whitechester was infeted in these lands on 28th April and 3d and 4th May 1731.

On the same date as the entail last mentioned, the Duchess also granted a bond of provision to Mr. Charles Scott, her great-grandson, second lawful son to Francis, Earl of Dalkeith, for £20,000 sterling, out of the lands mentioned in the bond of tailzie of 1731. A separate entail was also made by the Duchess of the lordship of Melrose in favour of Lady Isabella Scott, daughter of her marriage with Lord Cornwallis. On the death of Lady Isabella, unmarried, in 1748, Melrose was inherited, in terms of the limitations of the entail, by Duke Francis, grandson of the Duchess Anna.

In consequence of the forfeiture of Monmouth, the lands and barony of Hawick, in which he was infeted, became the property of King James the Second, who, by a new charter, dated 16th April 1686, granted them to Anna, Duchess of Buccleuch and Monmouth, her heirs whomsoever, and separated these lands from all earldoms, lordships, etc., to which they were formerly annexed, and incorporated the same into the free barony and regality of Hawick, to be held blench of the Crown. The King also disposed to her all bonds and other securities in favour of the Duke of Monmouth, and all his moveable or real estate which, by his forfeiture, had fallen to the Crown. This charter was ratified by the Estates on 15th June 1686.<sup>1</sup> The office of heritable bailie of the regality of Hawick had belonged to the Duchess, but having been allowed to fall to the Crown through her not taking the test appointed by an Act of Parliament of King Charles the

<sup>1</sup> Original Ratification in Buccleuch Charter-room. Acts of Parliament. vol. viii. p. 617.



Second, the office was, on 22d October 1686, granted to Walter Scott of Alton.

The Duchess possessed within the shire of Dumfries nearly the whole of the five parishes of Staplegorton, Wauchope, Ewis, Cannobie and Westerkirk. As these parishes lay contiguous to her possessions in Roxburghshire, the lands pertaining to the Duchess were, on 4th September 1672, disjoined from the shire of Dumfries and annexed to the shire of Roxburgh.<sup>1</sup> At a subsequent period, a decret of annexation was obtained of the parishes of Westerkirk, Staplegorton, and Wauchope, and the erection of a new kirk in Eskdalemuir, called Langholm.<sup>2</sup>

The latter will and testament of the Duchess was made at Westminster, 16th March 1723. Her grandson, Francis, Earl of Dalkeith, was appointed sole executor and universal legator and intromitter with the whole of her personal estate in Scotland, burdened with all debts owing at the time of her decease either in Scotland or England, and the legacies mentioned in her will. To Henrietta, Countess of Dalkeith, her much beloved and esteemed daughter, she bequeathed £1000 sterling; to Lady Isabella Scott £300 sterling, in addition to the provision to her in the English will; and to Henry, Earl of Deloraine, £5 sterling, he having already received £20,000, in terms of the bond of provision granted to him during the life of the Duchess. Any residue of her personal estate in Scotland, after paying debts and legacies, was to be held as an additional security for the bond of provision of £15,000 granted to her grand-daughter, Lady Charlotte Scott. The personal estate of the Duchess in England was bequeathed to her daughter, Lady Isabella Scott.<sup>3</sup>

After a long, useful, and honoured life, the Duchess of Buccleuch died on 6th February 1732, at the mature age of nearly eighty-one years. Her remains were placed with those of her ancestors in the family vault of the

<sup>1</sup> Acts of Parliament, vol. viii. p. 91.

<sup>2</sup> Decret, dated 26th November 1701.—Buccleuch Inventory of 1750.

<sup>3</sup> Vol. ii. of this work, p. 327.



old Church of Dalkeith. It was by her own desire that this church was made her resting-place. Her grandson and successor, Duke Francis, writing from London, February the 8th, 173 $\frac{1}{2}$ , intimates the death of "my Lady Dutchess last Sunday, the 6th instant, between twelve and one o'clock at noon. Her Grace desired by her will to be buried att Dalkeith in a private manner, and those relations that are near and in Edinburgh to be present at her funeral."<sup>1</sup> On her coffin-plate there is the following inscription:—"Ann Scott, Dutchess of Buccleuch, Countess of Dalkeith, Baroness Scott of Whitechester, Eskdale, and Tindale. Died Febry. ye 6, 173 $\frac{1}{2}$ , aged 82 years."

Of her marriage with James, Duke of Monmouth, there was issue four sons and two daughters, whose names are given in the Pedigree of the Scotts of Buccleuch, No. I., printed at the close of this volume.

Of the marriage of the Duchess with Lord Cornwallis there was issue one son and two daughters, whose names are also given in the same pedigree.



<sup>1</sup> Original Letter in Buccleuch Charter-chest.



Buckuch & Munnick

Buckuch & Munnick

Ann Buckuch and Cornwallis  
Cornwallis

Buckuch





JAMES EARL OF DALKEITH, K.T.  
SECOND SON OF JAMES AND ANNA  
DUKE AND DUCHESS OF BUCCLEUCH AND MONMOUTH.  
BORN 1674, DIED 1705.





LADY HENRIETTA HYDE, DAUGHTER OF LAURENCE EARL OF ROCHESTER,  
AFTERWARDS COUNTESS OF DALKEITH, D. 1730.  
AND HER SISTER, LADY KATHARINE HYDE.



THE SUCCESSORS  
OF  
ANNA DUCHESS OF BUCCLEUCH.

XVII.—JAMES EARL OF DALKEITH, K.T., 1674-1705.

LADY HENRIETTA HYDE (ROCHESTER), 1694-1730.

**J**AMES, the second and eldest surviving son of the Duke and Duchess of Buccleuch and Monmouth, was born on 23d May 1674. During the lifetime of his father, his courtesy title was Earl of Doncaster; after the death of Monmouth, he was styled Earl of Dalkeith. In the reign of King William the Third he served in the army in Flanders, but on the accession of Queen Anne he returned from abroad, and in 1704 was invested with the Order of the Thistle. It would appear that in 1692 some at least of the party that had supported the Duke of Monmouth in his attempt to seize the English throne, still maintained a lingering enthusiasm for the defeated cause. In that year, in the very district where the covenanting spirit had been most zealously displayed, and with the support of Robert Hamilton, the leader of Airmoss, the young Earl of Dalkeith was proclaimed king. An old memorandum book supplies the following note on this, we presume, hitherto unknown event :—

October 31, 1692.—In the end of July, or beginning of August, 30 or 40 wyld people came to the cross of Sanqwhair, and proclaim'd the Earle of Dalkeith king, and in September thereafter Robert Hamiltown, who was commander at Bothwell-bridge, was taken at Earlestown house, and after he was examined before the Councill, was sent to Hadingtown tolbooth.<sup>1</sup>

<sup>1</sup> Memorandum Book of Mr. David Scrimseour of Cartmore, ms., in Buccleuch Charter-room.



On 2d January 1694, his Lordship married the Lady Henrietta Hyde, eldest daughter of Lawrence, Earl of Rochester. The Duchess of Buccleuch, writing to the Earl of Cromartie from Mews, on 25th April 1693, thus expresses her satisfaction with the choice made by her son: "As to the adjusting of all my accounts with my son, this will be the proper time, for the busnes is resolvd on all hands conserning the fair lady, and the only one can be to my mind, and, which is better, the only one to my son's mind, which makes me resolve to make a better compliment to Jeams than Harry."<sup>1</sup> The Earl died at his house in Albemarle Street, London, on 14th March 1705, in the thirty-first year of his age, and was much lamented on account of his many amiable qualities. His Countess survived him till the year 1730. They were both buried in Westminster Abbey. Of the marriage there was issue four sons and two daughters, whose names are stated in the Pedigree of the Scotts of Buccleuch, No. I. On the death of the Duchess Anna in 1732, she was succeeded in her dignities and estates by her grandson.

*J. Dalkeith*

XVIII.—FRANCIS SECOND DUKE OF BUCCLEUCH, K.T., 1695-1751.

LADY JANE DOUGLAS (QUEENSBERRY), 1720-1729.

FRANCIS, second Duke of Buccleuch, the eldest son of James, Earl of Dalkeith, was born on 11th January 1695. He was the second of the family who, for two hundred and sixty years, was major at the time of succession. During the lifetime of his father he was styled Lord Whitcheater, as appears in a letter from his grandmother, Duchess Anna, where she writes: "I call

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 264.





Allan Ramsay. Engr. 1739

FRANCIS, SECOND DUKE OF BUCCLEUCH, K.T.  
BORN 1695. DIED 1751.





LADY JANE DOUGLAS,  
DUCHESS OF FRANCIS, SECOND DUKE OF BUCCLEUCH.  
DIED 1729.



my grandchild Lord Whitechester. It sounds better than Lord Scott."<sup>1</sup> After his father's death he was styled Earl of Dalkeith. He married Lady Jane Douglas, eldest daughter of James, second Duke of Queensberry, on 5th April 1720.

An alliance had been projected with another Lady Jane Douglas, only sister of Archibald Duke of Douglas, and this proposed marriage had the warm approval of his grandmother, the Duchess of Buccleuch, who, in a letter to Lord Royston, expresses her delight that her "great projectt of having my grandson no stranger to his own country, is in all liklyhood not to be disapointed by marrying a Scotts lady."<sup>2</sup> But the intended marriage did not take place. The Duchess Anna was disappointed at this result, which she imputed to the Duchess of Queensberry, remarking that "she has the same fait which some others has in this worald, more powr then th[e]y deserve."<sup>3</sup> The union of the dukedoms of Buccleuch and Douglas would probably have been the result of that alliance, as the junction of those of Buccleuch and Queensberry was a consequence of the marriage of the Duke Francis with Lady Jane Douglas of Queensberry. The Duchess Anna was subsequently more than reconciled to the marriage, as may be seen from the kind terms in which she writes of her grand-daughter on the occasion of her death in 1729:—

September the 4th [1729].

MY LORD,—I know by experience your Lordship's friendship to me, therfor I am sure you will regreat the affliction I have for my grand-daughter Lady Dalkeith's death, who deyd on Sunday morning of the small-pox at Langley. I must say she was as good a young woman as ever I knew in all my life. I never saw any one thing in her that I could wish wer otherways. She had two sons and three dawghters, all living, and fine children. I shall allways be to your Lordship a most sencear and most humbl servant,

BUCCLEUCH.<sup>4</sup>

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> Original Letter in Buccleuch Charter-room.

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

<sup>4</sup> Original Letter to Lord Royston in Buccleuch Charter-room.



In February 1725, while Earl of Dalkeith, he was made a Knight of the Order of the Thistle, and he was elected one of the sixteen representative Peers of Scotland to the Parliament of 1734. Six years after that election, negotiations were opened by Sir Robert Walpole for the restoration to the Duke of the forfeited barony of Tindall. On 23d March 1743, an Act of Parliament was passed which restored to him the titles of Earl of Doncaster and Baron Tindall, with the rights and precedencies of the patent granted to his grandfather, James Duke of Monmouth, and from that time till his death he sat in the House of Lords as Earl of Doncaster. The Duke called out his tenantry in 1745 to assist the citizens of Edinburgh against the young Pretender, but his efforts were very feebly supported by the inhabitants and the Magistrates. On the night of Sunday, the 15th of September, the tenants of the Duke, along with the trained bands and volunteers, amounting in all to six or seven hundred men, undertook to guard the walls of the city against a surprise from the rebel forces. After the seizure of the city and the battle of Preston, the Pretender determined on marching into England. On the 31st of October, he joined his army, which was encamped along the bank of the Esk, near Dalkeith, and he then spent two nights, Friday and Saturday, the 1st and 2d of November, in Dalkeith House.

The Duke made his last will and testament on 25th March 1751, at Hall Place, in Berkshire. He died on the 22d April of that year.

His Grace married, secondly, at Mayfair Chapel, in September 1744, Alice Powell, by whom he had no issue. Of his marriage with Lady Jane Douglas, there was issue two sons and three daughters, whose names are given in the Pedigree of the Scotts of Buccleuch, No. I.

A large, elegant handwritten signature in cursive script, reading "Buccleuch". The signature is written in black ink and features a long, sweeping horizontal flourish extending to the right.A handwritten signature in cursive script, reading "Jane Douglas". The signature is written in black ink and is positioned below the "Buccleuch" signature.

THE UNIVERSITY OF CHICAGO LIBRARY



FRANCIS EARL OF DALKEITH.  
ELDEST SON OF FRANCIS, SECOND DUKE OF BUCCLEUCH.  
BORN 1721. DIED 1750.





LADY CAROLINE CAMPBELL,  
COUNTESS OF FRANCIS, EARL OF DALKEITH.  
BORN 1718, DIED 1794.



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London May ye 7th 1742 -

My Lord

For some years past I have had -  
thoughts of making a Match between  
D Dalkeith & the Duke of Argyles Eldest  
Daughter Lady Caroline Campbell, Last  
Tuesday his Grace & I, mett, and agreed  
upon the Match, the Letter I have writ  
to my Comissioners mentions what papers  
I want (I mean Extracts) to be sent up  
to me, and I have mention'd other things  
in my Letter to Mr Stuart,

Lord Dalkeith likes the Lady Extreemly  
well, and I doubt Doubt they will be very  
Happy to gether, as I know y<sup>r</sup> Lordsh<sup>ps</sup> is a  
wisher to my Family, that you will be  
pleas'd with this match, and I am my  
Lord

your Lordsh<sup>ps</sup> most obedient  
and faithfull humble servant

BULLOCK



## XIX.—FRANCIS EARL OF DALKEITH, 1721-1750.

## LADY CAROLINE CAMPBELL (ARGYLL), 1742-1794.

THE Earl was born on 19th February 1721. He was educated at Oxford, although a letter from his father in October 1739, stating the Duke's intention to enter him at that University, intimates that Cambridge had previously been proposed. He married, at London, on 2d October 1742, the Lady Caroline Campbell, eldest daughter and co-heiress of John, Duke of Argyll and Greenwich, the great statesman and military commander. This match, apparently one of affection, had for years been contemplated by the Duke of Buccleuch. In a letter written by the Duke of Buccleuch to Lord Royston, and dated at London, May the 7th, 1742, the arrangement of the marriage is announced :—

MY LORD,—For some years past I have had thoughts of making a match between Lord Dalkeith and the Duke of Argyll's eldest daughter, Lady Caroline Campbell. Last Tuesday his Grace and I mett, and agreed upon the match. The letter I have writ to my commissioners mentions what papers I want (I mean extracts) to be sent up to me, and I have mention'd other things in my letter to Mr. Stuart.

Lord Dalkeith likes the lady extreemly well, and I don't doubt they will be very happy together. As I know your Lordship is a well-wisher to my family, and that you will be pleased with this match; and I am, my Lord, your Lordship's most obedient and faithfull humble servant,

BUCCLEUCH.<sup>1</sup>

This marriage, the only one ever made between the Scotts and Campbells, brought additional lands and honour into the powerful family of Buccleuch. Among the estates inherited by the Countess were those of Granton, in the parish of Cramond and county of Edinburgh, along with the right and privilege of free harbour and shore, and of founding and building a harbour thereon; a privilege which, through the enterprise and public spirit of the present Duke, has led to the erection of a magnificent harbour at Granton. By the death of John Duke of Argyll and Greenwich without male issue,

<sup>1</sup> Original Letter in Buccleuch Charter-room. Lithographed.



Lady Caroline and her descendants became the heirs-general of the House of Argyll; so that but for a male-entail of the Dukedom of Argyll, His Grace of Buccleuch would now have ruled at Inveraray, the ancient capital of the Campbells, over the once royal dominion of the Isles.

He sat as Member for Boroughbridge, in Yorkshire, in the Parliament of 1746 and 1747. He was made a Doctor of Civil Law by the University of Cambridge. His Lordship died of small-pox at Adderbury, in Oxfordshire, 1st April 1750, in the thirtieth year of his age, and in the lifetime of his father, who survived the Earl for a year. On the day of his death, Lord Dalkeith made a short will, leaving to Lady Dalkeith his personal estate and the care of his children.

Lady Dalkeith long survived her husband. In the year 1755, she married, secondly, the distinguished orator and statesman, the Right Honourable Charles Townshend, brother of George first Marquess Townshend, who was advanced to this dignity as a reward for his services in the Continental and American struggles. Mr. Townshend was appointed to the post of Chancellor of the Exchequer, on the accession of the Duke of Grafton to power in August 1766; and in that month Lady Caroline Campbell was created Baroness Greenwich, with remainder to her issue-male by Mr. Townshend. She died in 1794, when the title of Baroness Greenwich became extinct, the sons of her second marriage having predeceased her ladyship.

By his Countess the Earl had six children, whose names are given in the Pedigree of the Scotts of Buccleuch, No. I.

Dalkeith.  
Caroline Dalkeith





JOHN, LORD SCOTT OF WHITCHESTER, BORN 1745, DIED 1749.  
AND HIS SISTER, LADY CAROLINE, BORN 1743, DIED 1753.



XX.—HENRY, THIRD DUKE OF BUCCLEUCH AND FIFTH  
DUKE OF QUEENSBERRY, K.T., K.G., 1746-1812.

LADY ELIZABETH MONTAGU, 1767-1827.

HE was born on 13th September 1746, and succeeded his grandfather Duke Francis on 22d April 1751. Previous to his father's death in 1750 he was styled Lord Whitechester, and after that, till his succession to his grandfather, he was styled Earl of Dalkeith. He was educated at Eton College. In 1764, he went abroad on his travels with his brother, the Hon. Campbell Scott, accompanied by Dr. Adam Smith, the well-known author of the "Wealth of Nations," who had been chosen by Mr. Townshend, not from any special fitness for such duties—for the Doctor, with all his kindness and captivating smile, was sadly ignorant of the world's ways—but from his eminence in the world of thought.

The first great work of Smith, his "Theory of Moral Sentiments," published in 1759, while he was Professor of Moral Philosophy in the University of Glasgow, had at once elevated its author into the highest reputation as a thinker; "the mob of literati" were loud in its praises, and "the Bishop of Peterborough said he had passed the evening where he heard it extolled above all books in the world."

"Charles Townsend," writes David Hume to the author in 1759,<sup>1</sup> "who passes for the cleverest fellow in England, is so taken with the performance, that he said to Oswald he would put the Duke of Buccleuch under the author's care, and make it worth his while to accept of that charge. As soon as I heard this, I called on him, with a view of talking with him about the matter, and of convincing him of the propriety of sending that young nobleman to Glasgow; for I could not hope that he could offer you any terms which would tempt you to renounce your professorship, but I missed him. Mr. Townsend passes for being a little uncertain in his resolutions, so perhaps you need not build much on this sally."

<sup>1</sup> Dated at London, 12th April 1759. Life of Adam Smith, by Dugald Stewart. Also in Burton's Life of Hume.



The sally, however, after four years had elapsed, became a serious proposal. Towards the end of 1763, Mr. Townshend invited the distinguished thinker to accompany the young Duke on his travels, an offer which was accepted without much reluctance, as it secured to him a life annuity of £300 in compensation for the salary of his university chair, which he was compelled to resign, and opened up to him the opportunity of making the acquaintance of Quesnay, Turgot, De Rochefoucault, and other friends of Hume, who were among the foremost thinkers of the time. A portion of a letter by Adam Smith, referring to his new charge, is printed in the correspondence in Volume ii. The philosopher and his noble pupil left London for the Continent in March 1764. Eighteen months were spent at Toulouse, two months at Geneva, and the period between the Christmas of 1765 and October 1766 in Paris, where they moved among the representatives of the highest culture of the time, among whom were Necker,<sup>1</sup> D'Alembert, Marmontel, and others already mentioned. During his last year abroad, the Duke attended the King of France and the Court to Compiègne, to visit the French camp. While there he was seized with a fever, and during his illness was nursed with most assiduous attention by Adam Smith, who in a letter from Compiègne, 26th August 1766, remarks that "the King has enquired almost every day at his levée of my Lord George and of M. De la Saone, concerning the Duke's illness. The Duke and Dutchess of Fitzjames, the Chevalier de Clerment, the Count de Guerchy, etc. etc., together with the whole English nation here and at Paris, have expressed the greatest anxiety for his recovery."<sup>1</sup> The closing sentences of this letter evince the simple and thorough kindness of the philosopher, where he appears to us as sitting day after day by the bedside of his sick pupil, and quarrelling with the servant as to the right of attending him by night. The Duke's brother, the Hon. Campbell Scott, died at Paris on the 18th October 1766, and immediately after this sad event the Duke returned from the Continent. Thus ended the "Wanderjahre" of Adam Smith and

<sup>1</sup> Original Letter in Buccleuch Charter-room. Printed in full in Volume ii.



Henry Duke of Buccleuch. The former always spoke of that period of his career "with pleasure and gratitude," while the latter felt the influence of his thoughtful and genial companion throughout his whole life, and after the association had been broken by the death of Smith, the Duke wrote:—"In October 1766, we returned to London, after having spent near three years together, without the slightest disagreement or coolness; on my part, with every advantage that could be expected from the society of such a man. We continued to live in friendship till the hour of his death; and I shall always remain with the impression of having lost a friend whom I loved and respected, not only for his great talents, but for every private virtue."<sup>1</sup> During this period Smith had commenced the treatise by which his name has become immortal, and the annuity which he continued to receive from the Duke enabled him to pursue his studies in the seclusion of his native town of Kirkcaldy. At the request of the Duke he was appointed one of the Commissioners of Customs in Scotland in 1778; but although he offered to resign his annuity, it was continued till his death. A holograph receipt of its payment for the half-year ending on the 24th of June 1767, dated at Kirkcaldy, has been preserved, and the interesting document is here reproduced in facsimile from the original at Dalkeith.<sup>2</sup>

Duke Henry married, 2d May 1767, Lady Elizabeth Montagu, only daughter of George, fourth Earl of Cardigan, afterwards created Duke of Montagu.

Under the control of his stepfather and guardian, the Honourable Charles Townshend, the young Duke had not hitherto enjoyed the pleasure of residence on his hereditary estates in Scotland, and it was at last resolved that, on the eve of his majority, he should pay a visit to the North in the company of his youthful bride. A long minority, joined to the warm affection which the Buccleuch tenants had for generations entertained towards their generous and sympathetic superiors, caused this visit to be looked

<sup>1</sup> Stewart's Life of Smith.

Duke Henry to Mr. Hallam, his former tutor at Eton.

<sup>2</sup> A similar pension of £300 was given by



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Kirkaldy 26 June 1764 Then received of Mr  
John Craige of Kilgusston, in name &  
upon account of the Duke of Buccleugh, the  
sum of one hundred & fifty Pounds Sterling  
due on the twenty fourth of this present month  
of June one thousand seven hundred & sixty  
seven years, being one half years payment  
of the Annuity of three hundred pounds a year  
settled upon me & his Grace, of which half years  
payment <sup>of all proceedings</sup> I hereby discharge the said Duke  
of Buccleugh & all others concerned: at  
Kirkaldy this twenty sixth day of June  
one thousand seven hundred & sixty seven  
years. Witness my hand  
A. G. Smith



forward to with eager expectation from Tweedside to the borders of Cumberland. An interesting record of the event is given in the Autobiography of Dr. Alexander Carlyle, the genial minister of Inveresk, who owed his position as incumbent of that parish to the patronage of Duke Francis. Speaking of the coming of the young Duke, he says :—"The family had been kind to their tenants, and the hopes of the country were high that this new possessor of so large a property might inherit the good temper and benevolence of his progenitors. I may anticipate what was at first only guessed, but came soon to be known, that he surpassed them all, as much in justice and humanity, as he did in superiority of understanding and good sense." The celebration of the Duke's birthday, the 13th September, was postponed, owing to the sudden death of Mr. Townshend, which occurred during the few days that elapsed between the Duke's arrival and the anniversary of his birth. This event threw a deep gloom on the spirit of the Duke's sister, Lady Frances Scott, who had accompanied her brother into Scotland; and the Duke now threw aside all purpose of taking active part in politics, towards which Mr. Townshend had been desirous of directing the Duke's talents, and decided on accepting the loyal enthusiasm of his Scottish tenants and settling down among them. On the morning of his birthday, the Duke received a spirited poem of fifty-six lines, sent anonymously, but afterwards found and confessed to be the work of Dr. Carlyle. We give the verses complete, as they are not without merit, although Sir Walter Scott has left on record his opinion that the minister of Inveresk "was no more a poet than his precentor :"—

VERSES ON HIS GRACE THE DUKE OF BUCCLEUCH'S BIRTHDAY.  
SEPTEMBER 1767.

WHERE Melrose fane in ruin'd beauty stands,  
The work of pious and of impious hands,  
Old Father Tweed from off his pebbly bed,  
This morn, hoarse murmuring, rais'd his watry head.



What means, my sons, with angry voice he cried,  
This frantic riot that disturbs my tide ?  
Peaceful, tho' dull, for many years I've lain,  
Unstain'd by lovers or by warriors slain ;  
But now my hills with joyful shouts resound,  
And gladness revels o'er my classic ground.  
My rural Etrick, see, in mantle gay,  
With dancing pace comes on his shining way ;  
My tragic Yarrow casts his mournful weeds,  
And like a masker trips it down the meads.  
While here in calm forgetfulness I lay,  
What shame to wake me with this antic fray !  
For shame, my sons ! Tell Etrick, Yarrow tell !  
What rage, what frensy, does your bosoms swell !  
Yarrow, the rapture glowing in his eyes,  
With speedy words thus to his sire replies.  
Roll, Father Tweed ! roll on your silver streams,  
With double splendor shine in sunny beams,  
To where the Teviot down his pleasant dale  
Makes haste to meet thee with a joyful tale.  
A Scott, a noble Scott ! again appears,  
The wish'd-for blessing of thy hoary years !  
Hark ! how th' impetuous Esk in thunder roars !  
Hark ! how the foaming Liddal beats his shores !  
A Scott, A Scott ! triumphantly they cry !  
A Scott, A Scott ! a thousand hills reply !  
The night is past, again the day's at hand,  
To light this dark and long-deserted land.  
Be glad ye hills ! rejoice each Living Spring !  
Ye Muses wake ! and every Valley sing !  
Illustrious youth ! trace back the rolls of fame,  
Peruse the annals of thy warlike name ;  
Cull the best honours of thy Noble Race,  
Join to Scott's daring genius, Monmouth's grace ;  
Add, if thou wilt, the strenuous Douglas' ire,  
And temper all with Campbell's patriot fire :



Yet 'midst the glories of thy Princely Line,  
 The virtues of Humanity be thine!  
 Our hapless land in vain has long complain'd,  
 Of chiefs in syren bondage still detain'd;  
 Idly in Courts who waste their tedious days,  
 Asleep alike to pleasure and to praise.  
 Break thou the charm! with merit all thine own,  
 Seek an untrodden path to high renown!  
 Be thine, Fair Montagu, the gen'rous part,  
 To aid the purpose of a patriot heart.  
 Be this thy country! thou her pride and boast!  
 And full repay her the long years she's lost.  
 So shall the streamy South revere thy name,  
 And task her Muses to exalt thy Fame.  
 So shall kind Heaven in all propitious prove,  
 Preserve thy glory, and reward thy love.<sup>1</sup>

In another part of his work Dr. Carlyle says that in this Duke was revived the character which Sir James Melville gave his renowned predecessor in Queen Mary's reign—"Walter Scott of Buccleuch, wise and true, stout and modest."

Adam Smith remained at Dalkeith House for two months after the celebration of the Duke's birthday. The Duke and Duchess adhered to the custom of their predecessors of having two public days in the week, when all who pleased might sit down at table; but such meetings were found rather tame and solemn, and at last Saturday was the only day devoted to these receptions. The following description of the personal appearance of the Duchess on her arrival in the North, penned by a shrewd observer, will be read with interest:—"The Duchess at that time was extremely beautiful; her features were regular, her complexion good, her black eyes of an impressive lustre, and her mouth, when she spoke, uncommonly graceful. The expression of her countenance was that of good sense and serenity; she had been bred in too private

<sup>1</sup> Scots Magazine, 1767, vol. xxix. p. 487.





HENRY, THIRD DUKE OF BUCCLEUCH,  
AND FIFTH DUKE OF QUEENSBERRY, K.G.  
BORN 1746, DIED 1812.





ELIZABETH DUCHESS OF BUCCLEUCH & QUEENSBERRY.  
B. 1742, D. 1827.



a way, which made her shy and backward, and it was some time before she acquired ease in company, which at last enabled her to display that superiority of understanding which led all the female virtues in its train, accompanied with the love of mirth, and all the graces of colloquial intercourse. Her person was light, though above the common height, but active and elegant."<sup>1</sup>

No one looking on the portrait of the Duchess in the gallery of Dalkeith House, can fail to mark her stately appearance. When Louis Philippe, afterwards King of the French, was staying at Holyrood, he met the Duchess at Dalkeith. He had met and conversed, he said, with nearly all the crowned heads in Europe, but in no instance did he feel so much embarrassed as by the formal and dignified bearing of Elizabeth, Duchess of Buccleuch.

The "fair Montagu," as her Grace was styled by Carlyle in his birthday ode, was a favourite at Court, as the following extract from a letter of Duke Henry, dated at Richmond, 23d September 1776, good-humouredly illustrates:—"The King has been so gracious as to present the Duchess of Buccleuch with a pair of little chaise horses upon hearing that one of hers was lame. Such sort of Court favours I have no objection to her receiving."<sup>2</sup>

During his whole life the Duke showed a predilection for the society of literary men, and this taste led to his becoming a member of the "Poker Club," which was formed in Edinburgh in 1762, and numbered among its members the Duke of Montrose, Lord Pulteney, Lord Elibank, Dr. Cullen, Dr. Black, Dr. Gregory, and many others of the highest social and literary position. The mild David Hume was one of the two "assassins" of the Poker Club. The Duke was the first President of the Royal Society of Edinburgh, which was instituted in the year 1783; and his portrait, along with the portraits of Sir Walter Scott and other distinguished Presidents, is in the library of the Society. His Grace's name is the first in the long list of distinguished

<sup>1</sup> Carlyle's Autobiography, pp. 488-9.

<sup>2</sup> Original letter in Buccleuch Charter-chest. In the same letter, his Grace writes:—"Duke Hamilton is in London. I have not yet seen him. I have had a great dispute about his

title. Was he created Duke Hamilton or Duke of Hamilton? I say with the *of* like all other Dukes. But I confess I never heard any other Duke called without the *of* but himself."



men mentioned in the charter of its foundation, among these being his former tutor, Adam Smith. The Philosophical Transactions (Edinburgh, 1788) contain a paper by the Duke, entitled "Abstract of a Register of the Weather, kept at Branxholm, for ten years, ending December 31, 1783," which was communicated to the Society on the 3d of January 1785.

The Duke and Duchess became equally endeared to the tenants and poor on their estates, his Grace sometimes, it would appear, imitating King James the Fifth by paying visits in disguise to the peasant-homes of the district. A poem, written by the Border poet, Henry Scott Riddell—himself a grateful recipient of the bounty of the present Duke—represents Duke Henry, while a young man, as spending a night in the half-ruinous hut of an old couple in Glendale. In the course of the evening the old man, talking about the Duke himself, is made to say :—

"Contented, therefore, we maun be,  
E'en wi' the hut we sit in—  
They say o' landlords east and west,  
Our ain Duke Henry is the best  
O' a' the Lairds o' Britain.

"And yet they say he's curious ways,  
And slyly comes among them  
Like auld King James—and they say more,  
He's o'er-indulgent to the poor—  
Ye'd think that needna wrang them."<sup>1</sup>

Among the stories still in circulation about the "good Duke," is one which strikingly exhibits the geniality and simplicity of his nature. One

<sup>1</sup> "Cottagers of Glendale," Poetical Works of Henry Scott Riddell, vol. ii. p. 137. In reference to the remark of over indulgence to the poor, it was not unusual for persons of wealth to act as almoners of their own charities. Mr. Archibald Stirling of Keir, father of the late Sir William Stirling-Maxwell, K.T., was noted for his liberality to all beggars. He daily provided himself

with a large supply of silver to be bestowed on them. One day he omitted to provide himself with the usual supply. He asked his butler if he could give him silver for a five-pound note. The servant was unable to do so, but he referred his master to one of his beggars, who, he said, had plenty of money through his bounty, and could no doubt supply the required change.



day, while walking in uniform towards the Castle of Edinburgh, where the regiment of "Fencibles" he had raised by his own efforts was stationed, a country girl inquired of him about her brother "Wull," who had enlisted in the Duke's patriotic little army. Of course his Grace did not know about him, but graciously acted as the girl's convoy in the search. On the way two sentries presented arms to the Duke, whose companion was curious to know the meaning of the action, his Grace humorously replying that it was done "either to you or me." When they had reached the parade-ground and the girl had discovered her brother, the latter at once inquired in astonishment if she knew who the gentleman was. The unsophisticated answer was, "I dinna ken wha he is, but he's a very civil lad"—a plain but pleasing testimony to the complete courtesy of the noble Duke.<sup>1</sup>

The Duke was invested on the 23d December 1767 with the Order of the Thistle, which he resigned in 1794, on being nominated a Knight of the Garter.

The Duke was present in the House of Lords on the 7th of April 1778, during the debate on the independence of America, in the course of which Lord Chatham was seized with his fatal illness. His Grace wrote the following account of the scene :—

7 April 1778.

SIR,—This day has been marked with a very melancholy event in the House of Lords. This was to have been the last day of the Committee upon the state of the nation. The Duke of Richmond recapitulated all the motions he had made in the House during the different stages of this Committee, and moved an address to the Crown upon the unfortunate state of the nation, etc. etc. Lord Chatham made a short but manly speech. He said he would never consent to the independence of America, that this country was still able to resist all its enemies, if properly exerted and supported, that he could never believe we were so much changed from what we were some years ago, and more to that effect, directly opposite to everything that the Duke of Richmond had stated with regard to this country. He appeared during his speech, and before, much altered from what he was the

<sup>1</sup> Riddell Carre's "Border Memories," p. 360.



last time we had seen him in that House. The Duke of Richmond answered him but not well, but said many things that appeared to agitate Lord Chatham very much. When the Duke sat down, Lord Chatham attempted to rise, but was not able; fell back in violent convulsions, remained in the House about ten minutes, and was then carried out into a room adjoining to the House, w[h]ere he lay about forty minutes before he discovered the least signs of recovering. He then began to show some symptoms of speech and understanding. He grows gradually better, but they apprehend he cannot be moved from his present situation for many hours. You may easily believe the confusion this made in the House. We adjourned immediately. We regret much he did not make his second speech in answer to the Duke of Richmond. The opposition seemed much disconcerted at what he said in his first . . . I have wrote this at Almack's, in a large company. . . .<sup>1</sup>

The Earl of Chatham survived till the 11th of May following.

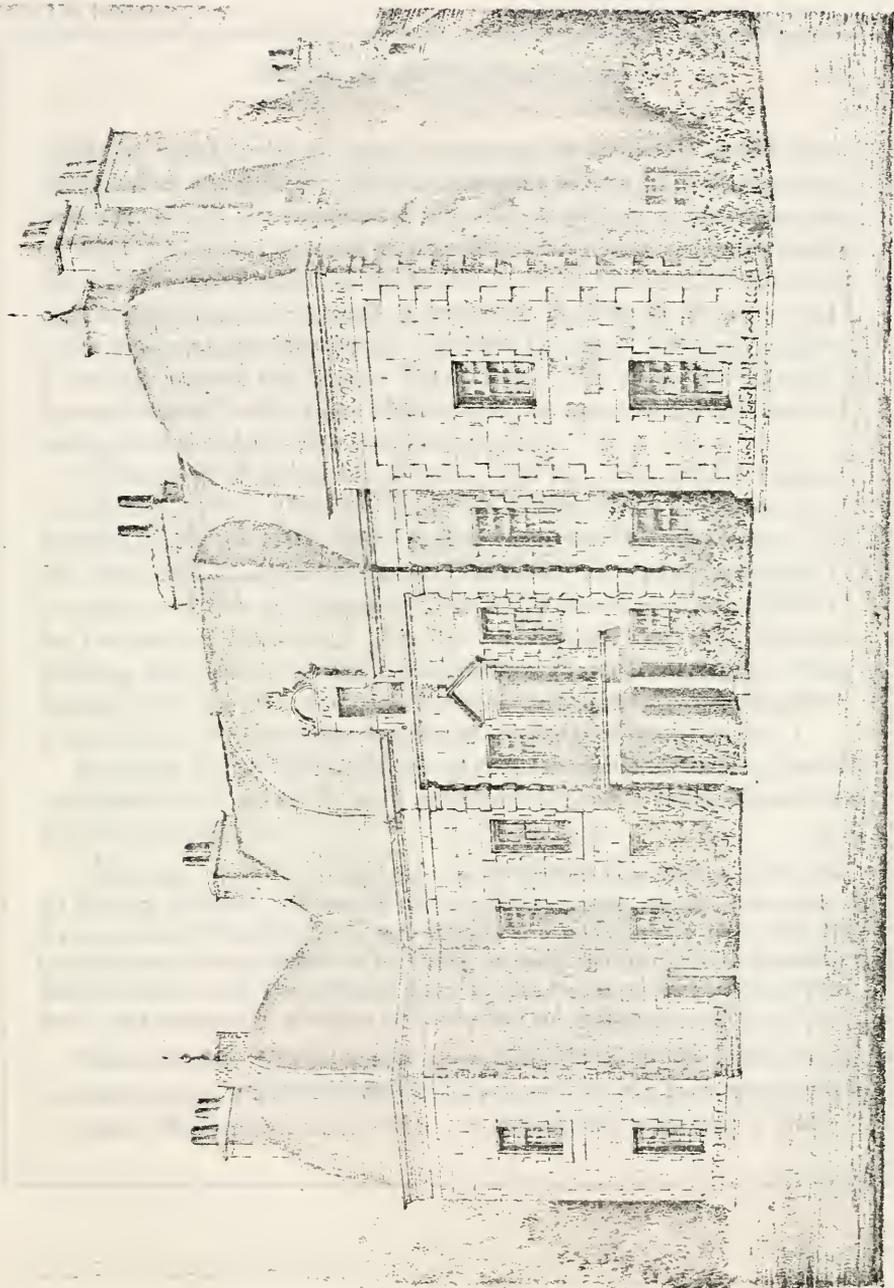
During the French war in 1778, his Grace raised a regiment of "Fencibles," with the approval of the King. His indignation at some of his less patriotic neighbours is strongly expressed in a letter to a correspondent.<sup>2</sup> The Reverend John Home, author of the tragedy of "Douglas," served as a lieutenant in the "Midlothian Fencibles."

The Duke's regiment was called out during the anti-Catholic riots in Edinburgh at the beginning of the following year. At the meetings of the General Assembly of the Church of Scotland during the year 1778, a long debate was held on the English Relief Bill, during which the cause of toleration was successfully defended by Principal Robertson the historian and Mr. John Home, and other leaders of the Moderate party in the Church. Although toleration carried the day in the Court of the Church, popular feeling against the passing of the Bill for the relief of the Catholics in Scotland was strong, and at last culminated in a vast mob attacking and burning to the ground a Catholic place of worship in Edinburgh, on the 2d of February 1779. To suppress the riot, a large body of the regiment of Fencibles was

<sup>1</sup> Original Letter to Mr. John Davidson, W.S., in Buccleuch Charter-room.

<sup>2</sup> Original Letter in Buccleuch Charter-room.





ROYSTON HOUSE, NOW CAROLINE PARK.



called out, which, under the personal command of the Duke, availed somewhat to allay the tumult. On the succeeding day the mob attempted to seize and destroy the residence of Principal Robertson in the University buildings, the learned advocate of toleration having been compelled for his own safety to take refuge in the Castle; but the Fencibles of Buccleuch, aided by the dragoons, succeeded in preventing the different attempts made by the mob to execute its purpose. Sir John Dalrymple, a leading promoter of the Bill, wrote at this time to Bishop Hay: "You ought to write with a thousand thanks to the Duke of Buccleuch; he ventured his life over and over again to save your house and your people."<sup>1</sup>

On the death of his mother in 1794,—who had been created Baroness Greenwich in 1767,—the Duke inherited Caroline Park, in the county of Edinburgh, and the other Argyll estates which were provided to her. On the death of William fourth Duke of Queensberry in 1810, he succeeded to the estates and title of Queensberry, and to the other hereditary dignities of the Douglasses of Drumlanrig. Through his marriage with Lady Elizabeth Montagu, the Duke succeeded to considerable estates in England. Of his marriage with her Ladyship there was issue three sons and four daughters, whose names are given in the Pedigree of the Scotts of Buccleuch, No. I.

His Grace died at Dalkeith House, on 11th January 1812, and his remains were deposited in the family vault at Dalkeith Church. Of his funeral Sir Walter Scott writes:—

"Yesterday I had the melancholy task of attending the funeral of the good old Duke of Buccleuch. It was, by his own direction, very private; but scarce a dry eye among the assistants—a rare tribute to a person whose high rank and large possessions removed him so far out of the social sphere of private friendship. But the Duke's mind was moulded upon the kindest and most single-hearted model, and arrested the affections of all who had any connection with him."<sup>2</sup>

When, after the short interval of seven years, Charles Duke of Buccleuch, the successor of Duke Henry, died at Lisbon, and left the Buccleuch estates

<sup>1</sup> Gordon's *Scotichronicon*, vol. iv. p. 161.

<sup>2</sup> Lockhart's *Life of Scott*, vol. ii. p. 391.



once more in the possession of a minor, Sir Walter Scott wrote a loving sketch of Duke Charles, his deceased friend and patron. No fitter close to our brief memoir of the "Good Duke" can be given than the few sentences concerning him, with which the great novelist introduced his tribute to the memory of Duke Henry's son and successor :—

"It is so lately as the year 1812 that Scotland was deprived of one of the best patriots and most worthy men to whom she ever gave birth, by the death of Henry Duke of Buccleuch. . . . There never lived a man in a situation of distinction so generally beloved, so universally praised, and so little detracted from or censured. The unbounded generosity of Duke Henry, his public munificence, his suavity of disposition, the sound and excellent sense, enlightened patriotism, and high spirit of honour which united in that excellent person, rendered him the darling of all ranks, and his name was never mentioned without praises by the rich and benedictions by the poor. The general sorrow of all classes at the news of his death, the unfeigned tears which were shed at his funeral, cannot yet be forgotten."<sup>1</sup>

The Duchess survived the Duke for many years. Her Grace remained in Scotland till the succession of her son Duke Charles, and was the patroness of many of the public charities of the city of Edinburgh.

The active habits of her Grace, who was an early riser and a great walker, secured her the enjoyment of excellent health till a few months before her death, when a gradual failure of nature took place. She died at Richmond, near London, 21st of November 1827, at the advanced age of upwards of eighty-four years, having been born in the year 1742.

"She was possessed," says a contemporary journal,<sup>2</sup> "in a remarkable degree of the dignified yet courteous manners which became her elevated rank and condition. But she was still more distinguished by the beneficence of her disposition, and a liberality which seemed to exceed the bounds even of her princely revenue. It was not only that her Grace's name was found

<sup>1</sup> "Edinburgh Weekly Journal" for 1819, reprinted in Scott's Miscellaneous Works.

<sup>2</sup> "Weekly Journal," probably communicated by Sir Walter Scott.



upon every record of public beneficence, it was not only that her bounty was extended to all meritorious applicants for private assistance, but her charity, taking a wider as well as a nobler circle, sought out and relieved in secret those who were pining in humble silence. Widowed mothers, orphan children, the indigent of every description who had known better days, were frequently, by private assistance of her, raised from penury to that decent competence which cheats poverty of half its bitterness by concealing its shame."

George Earl of Dalkeith, the eldest son of Duke Henry and Duchess Elizabeth, having died in infancy, Duke Henry was succeeded by his eldest surviving son.

Buccleugh

Wish I am too old, and too young  
for a Race Week.

Buccleugh

E. Buccleugh or



XXI.—CHARLES WILLIAM HENRY, FOURTH DUKE OF BUC-  
CLEUCH AND SIXTH DUKE OF QUEENSBERRY, K.T., 1772-1819.

THE HON. HARRIET KATHERINE TOWNSHEND, 1795-1814.

DUKE CHARLES was born in London, 24th May 1772, and during his father's lifetime was styled Earl of Dalkeith.

He was educated at Eton College, and was made a D.C.L. by the University of Oxford in 1793. His Lordship sat in the House of Commons as Member, successively, for Marlborough in 1793, for Luggershall in 1796, for Saint Michael's in 1805, and for Marlborough again in 1806. He was a steady and energetic supporter of Mr. Pitt, but although possessing an easy, vigorous, and happy manner of address on the platform, he only ventured on one or two occasions to speak in either House of Parliament.

The Earl of Dalkeith married, 23d March 1795, the Hon. Harriet Katherine Townshend, fourth daughter of Thomas, first Viscount Sydney.

Lord Dalkeith was appointed Lord-Lieutenant of the county of Dumfries in 1798, and colonel of the militia of that county. He was, by a writ under the Great Seal of England, 11th April 1807, summoned to the House of Peers as Baron Tindall of Tindall, in the county of Northumberland, with precedence of the patent of the Duke of Monmouth, 14th February 1663.

During the short period of his enjoyment of the honour of the Dukedom, his Grace proved himself at once a kindly chief and a prudent proprietor. Unambitious of public honours, he devoted himself to the improvement of his estate and to the welfare of his tenants, with a thoughtful zeal that entitles him to be considered a model for others of the same high rank, and a worthy successor of his great and good father. He dotted his estates with extensive plantations, restoring those which had been destroyed during the *régime* of his predecessor, William Duke of Queensberry, and to effect his purpose in the best possible manner studied carefully the quality and proper treatment of





THE HONOURABLE HARRIET KATHERINE TOWNSHEND,  
DUCHESS OF CHARLES, FOURTH DUKE OF BUCCLEUCH.  
DIED 1814.





CHARLES WILLIAM HENRY, FOURTH DUKE OF BUCCLEUCH,  
AND SIXTH DUKE OF QUEENSBERRY, K.T.  
BORN 1772, DIED 1819.



forest timber; and for some time before his death he busied himself with the breed of cattle and other agricultural experiments. He repaired the Castle of Drumlanrig, which the Duke of Queensberry, its former owner, had so neglected that it cost the Duke of Buccleuch £60,000 to make it wind and water tight; and it has been calculated that he spent on the Queensberry estates eight times the income he actually derived from them during his brief tenure. The following anecdote, told by Sir Walter Scott in an obituary notice of the Duke, towards whom he had all the enthusiastic devotion of a clansman to his chief with the affection of a warm and intimate friend, brings out distinctly and beautifully that peculiar trait of generous sympathy which has made the Scotts of Buccleuch beloved by their tenants from generation to generation:—

“In the year 1817, when the poor stood so much in need of employment, a friend asked the Duke why his Grace did not propose to go to London in the spring. By way of answer, the Duke showed him a list of day-labourers then employed in improvements on his different estates, the number of whom, exclusive of his regular establishment, amounted to *nine hundred and forty-seven* persons. If we allow to each labourer two persons whose support depended on his wages, the Duke was in a manner foregoing, during this severe year, the privilege of his rank, in order to provide with more convenience for a little army of nearly three thousand persons, many of whom must otherwise have found it difficult to obtain subsistence. . . . This anecdote forms a good answer to those theorists who pretend that the residence of great proprietors on their estates is a matter of indifference to the inhabitants of that district. Had the Duke been residing and spending his revenue elsewhere, one-half of these poor people would have wanted employment and food, and would probably have been little comforted by any metaphysical arguments upon population which could have been presented to their investigation.”<sup>1</sup>

The relations between Duke Charles and Sir Walter Scott, first Baronet of Abbotsford, were of the most friendly and even affectionate nature. “The Lay of the Last Minstrel,” Scott’s first great original production, was dedi-

<sup>1</sup> Character of the late Charles Duke of Buccleuch, etc., in Scott’s Miscellaneous Works.



cated to the Duke, and the poet, in his Preface to the edition of 1830, explains that the immortal lay originated in a wish of the young Countess of Dalkeith, afterwards the Duchess Harriet, that he should write a ballad on Gilpin Horner, a goblin story that had taken her fancy. Scott has in this passage paid a graceful tribute to the memory of the Duchess:—

“The lovely young Countess of Dalkeith, afterwards Harriet, Duchess of Buccleuch, had come to the land of her husband with the desire of making herself acquainted with its traditions and customs, as well as its manners and history. All who remember this lady will agree, that the intellectual character of her extreme beauty, the amenity and courtesy of her manners, the soundness of her understanding, and her unbounded benevolence, gave more the idea of an angelic visitant than of a being belonging to this nether world; and such a thought was but too consistent with the short space she was permitted to tarry among us. Of course where all made it a pride and a pleasure to gratify her wishes, she soon heard enough of Border lore; among others, an aged gentleman of property near Langholm, communicated to her ladyship the story of Gilpin Horner, a tradition in which the narrator, and many more of that country, were firm believers. The young Countess, much delighted with the legend, and the gravity and full confidence with which it was told, enjoined on me as a task to compose a ballad on the subject. Of course to hear was to obey; and thus the goblin story, objected to by several critics as an excrescence upon the poem, was in fact the occasion of its being written.”<sup>1</sup>

The Duchess Harriet had always distinguished Sir Walter Scott by her friendship and confidence. He says:—“They both gave me reason to think they loved me, and I returned their regard with the most sincere attachment—the distinction of rank being, I think, set apart on all sides.”<sup>2</sup>

Of the Duchess he writes:—“Of all whom I have ever seen, in whatever rank, she possessed most the power of rendering virtue lovely; combining purity of feeling and soundness of judgment with a sweetness and affability which won the affections of all who had the happiness of approaching her.”<sup>3</sup>

<sup>1</sup> Introduction to the “Lay of the Last Minstrel.”

<sup>2</sup> Lockhart’s *Life of Scott*, vol. iii. p. 292.

<sup>3</sup> *Ibid.* p. 284.



Her Grace died on 24th August 1814, while Sir Walter was absent on his voyage to the Shetland Isles, but he was one of the first to whom the Duke turned for sympathy.

The Duke and Duchess had a *protégé* in James Hogg, the Ettrick Shepherd, who has left behind him, in his "Reminiscences of Former Days," a pleasant and hearty tribute to the memory of his noble patrons. Hogg had lived for five years in Edinburgh, longing "grievously" in summer-time for a home in his native Forest, when, in the year 1814, a letter came to him from Charles Duke of Buccleuch, presenting him with the little farm of Altrive Lake, in the wilds of Yarrow, at a nominal rent, which indeed was never asked for. The note "was couched in the kindest terms;" and the gift was doubly pleasing, as it came freely and unexpectedly, and so completely answered the wish of the poet's heart. He owed it to the thoughtful generosity of the Duchess—"a secret and sincere friend whom I knew not of," says Hogg, with a little poetic fiction,—who in her lifetime had solicited such a residence for the poet in his native district. It is more to the credit of the Duchess than of Hogg, that this statement conceals the fact that Hogg had been brought under the notice of the Duchess while she was yet only Countess of Dalkeith; that, through Sir Walter Scott, she had presented him with a hundred guineas on the publication of "The Forest Minstrelsy" in 1811; that Scott had frequently brought the case of his brother poet before the Duchess, who bestowed on him many tokens of her generous sympathy; and that Hogg had himself actually requested her, in a letter of 17th March 1814, to procure for him a small farm in Yarrow. After her death, the Duke, to use his own words, "considered this poor man's case as *her* legacy."<sup>1</sup> We shall let the Ettrick Shepherd speak for himself of his subsequent intimacy with the Duke:—

"Subsequently to that period I was a frequent guest at his Grace's table; and, as he placed me always next him, on his right hand, I enjoyed a good share of his conversation; and I must say of my benefactor, that I have never met with any man whom I deemed his equal. There is no doubt that he was beloved and

<sup>1</sup> Lockhart's Life of Scott, vol. ii. pp. 375-7; iii. p. 294.



esteemed, not only by his family and friends, but by all who could appreciate merit. . . . It is natural to suppose that I loved him, and felt grateful towards him; but exclusive of all feelings of *that* nature, if I am any judge of mankind, Duke Charles had every qualification both of heart and mind, which ought to endear a nobleman to high and low, rich and poor. From the time of his beloved partner's death his spirits began to droop; and though for the sake of his family he made many efforts to keep them up, the energy that formerly had supported them was broken, and the gnawings of a disconsolate heart brought him to an untimely grave. Blessed be the memory of my two noble and only benefactors! They were lovely in their lives, and in their deaths they were but shortly divided."

Hogg enjoyed possession of the farm at the head of Altrive Lake till the time of his death.

Sir Walter likewise found in the Duke a friend willing to help him in those struggles of business which ultimately hastened his death. When the affairs of the Ballantynes became seriously embarrassed in 1813, he sought the aid of the Duke to enable him to raise the sum of £4000, and thus obviate the necessity of disposing of his copyrights at a ruinous sacrifice. His Grace met this proposal with ready generosity. In the letter in which Sir Walter made the request, he also desires the advice of the Duke respecting an offer from the Prince-Regent of the office of poet-laureate. He says—

"I have a very flattering offer from the Prince-Regent of his own free motion, to make me poet-laureate; I am very much embarrassed by it. I am, on the one hand, afraid of giving offence where no one would willingly offend, and perhaps losing an opportunity of smoothing the way to my youngsters through life; on the other hand, the office is a ridiculous one, somehow or other—they and I should be well quizzed—yet that I should not mind. My real feeling of reluctance lies deeper; it is that, favoured as I have been by the public, I should be considered, with some justice, I fear, as engrossing a petty emolument which might do real service to some poorer brother of the Muses. I shall be most anxious to have your Grace's advice on this subject. There seems something churlish, and perhaps conceited, in repelling a favour so handsomely offered on the part of the Sovereign's representative; and on the other hand I feel much disposed to shake



myself free from it. I should make but a bad Courtier, and an ode-maker is described by Pope as a poet out of his way or out of his senses. I will find some excuse for protracting my reply till I can have the advantage of your Grace's opinion."<sup>1</sup>

To this letter the Duke replied :—

"I shall with pleasure comply with your request of guaranteeing the £4000. You must however furnish me with the form of a letter to that effect, as I am completely ignorant of transactions of this nature.

"I am never willing to *offer* advice, but when my opinion is asked by a friend I am ready to give it. As to the offer of his Royal Highness to appoint you laureate, I shall frankly say that I should be mortified to see you hold a situation which, by the general concurrence of the world, is stamped ridiculous. There is no good reason why this should be so; but so it is. *Walter Scott, poet-laureate*, ceases to be the Walter Scott of the Lay, Marmion, etc. Any future poem of yours would not come forward with the same probability of a successful reception. The poet-laureate would stick to you and your productions like a piece of *Court plaster*. Your muse has hitherto been independent; don't put her into harness. We know how lightly she trots along when left to her natural pace, but do not try driving. I would write frankly and openly to His Royal Highness, but with respectful gratitude, for he *has* paid you a compliment. I would not fear to state that you had hitherto written when in poetic mood, but feared to trammel yourself with a fixed periodical exertion; and I cannot but conceive that His Royal Highness, who has much taste, will at once see the many objections which you must have to his proposal, but which you cannot write. Only think of being chaunted and recitativated by a parcel of hoarse and squeaking choristers on a birth-day, for the edification of the bishops, pages, maids of honour, and gentlemen-pensioners! Oh, horrible! thrice horrible!"<sup>2</sup>

Scott had no hesitation in following this advice, as it was agreeable to his own wish. Of the birth-day scene depicted by the Duke, he remarks :—

"I certainly should never have survived the recitative described by your Grace; it is a part of the etiquette I was quite unprepared for, and should have sunk under it. It is curious enough that Drumlanrig should always have been

<sup>1</sup> Lockhart's *Life of Scott*, vol. iii. p. 78.

<sup>2</sup> *Ibid.* p. 79.



the refuge of bards who decline Court promotion. Gay, I think, refused to be a gentleman-usher, or some such post ; and I am determined to abide by my post of Grand Ecuyer Trenchant of the Chateau, varied for that of tale-teller of an evening."

In the same letter he assures the Duke that his "kind readiness to forward a transaction which is of such great importance both to my fortune and comfort, can never be forgotten."<sup>1</sup>

A football match was played at Carterhaugh in 1815, under the auspices of the Duke, between the men of Yarrow, who were disciplined by the Ettrick Shepherd, and the men of Selkirk, who were disciplined by Sir Walter Scott. On this occasion the ancient Bellenden banner was once more unfurled, and two odes were written by Scott and Hogg in celebration of the "Lifting of the Banner." These have been printed in the Memoir of Francis, second Earl of Buccleuch, for whom the banner was made.

For six years before his death Duke Charles showed symptoms of delicate health. The malady to which he eventually succumbed was making serious progress in the year 1818, and the gradual alteration in his appearance, which escaped the notice of his relatives who were constantly beside him, was observed by Sir Walter Scott with serious alarm. He wrote at once to Lord Montagu, the Duke's brother, communicating his apprehension and sorrow, and advising a change of climate. "His life is invaluable," he adds, "to his country and to his family ; and how dear it is to his friends can only be estimated by those who know the soundness of his understanding, the uprightness and truth of his judgment, and the generosity and warmth of his feelings." Scott was deeply grieved at his noble friend's illness, and endeavoured to raise his drooping spirits by sending regularly an "Edinburgh Gazette Extraordinary," containing the amusing gossip of the day and information as to his own literary labours. To arrest, if possible, the further progress of the malady, the Duke sailed for Lisbon in the spring of 1819. Previous to his departure he wrote to Sir Walter from Portsmouth, reminding him of the portrait for which he had arranged to sit to

<sup>1</sup> Lockhart's Life of Scott, vol. iii. p. 84.





HENRY JAMES MONTAGU, BARON MONTAGU OF BOUGHTON,  
SECOND SURVIVING SON OF HENRY, THIRD DUKE OF BUCCLEUCH.  
BORN 1776. DIED 1845.



Raeburn, and for which a place of honour had been reserved in the library at Bowhill :—

“A space for one picture is reserved over the fire-place, and in this warm situation I intend to place the Guardian of Literature. I should be happy to have my friend Maida appear. It is now almost proverbial, ‘Walter Scott and his dog.’ Raeburn should be warned that I am as well acquainted with my friend’s hands and arms as with his nose ; and Vandyke was of my opinion. Many of R.’s works are shamefully finished—the face studied, but everything else neglected. This is a fair opportunity of producing something really worthy of his skill.”<sup>1</sup>

Scott’s reply to this letter did not reach Lisbon till after the Duke’s death, which occurred on the 20th of April 1819. It had been hoped that the change of climate would have a beneficial effect, but the malady had taken too firm hold to be shaken off by any remedial measure. Sir Walter was deeply impressed by the news. Writing to Lord Montagu, he says :—

“To your Lordship—let me add, to myself—this is an irreparable loss, for such a fund of excellent sense, high principle, and perfect honour, have been rarely combined in the same individual. To the country the inestimable loss will be soon felt, even by those who were insensible to his merits, or wished to detract from them, when he was amongst us. In my opinion he never recovered his domestic calamity. He wrote to me, a few days after that cruel event, a most affectionate and remarkable letter, explaining his own feelings, and while he begged that I would come to him, assuring me that I should find him the same he would be for the future years of his life. He kept his word ; but I could see a grief of that calm concentrated kind which claims the hours of solitude and of night for its empire, and gradually wastes the springs of life.”<sup>2</sup>

Sir Walter was anxious to place before the world the character of one whom it had been his privilege to know with all the intimacy of a friend, but of whose good qualities the public at large knew comparatively little, owing to the retirement forced upon him by delicate health and family

<sup>1</sup> Lockhart’s Life of Scott, vol. iv. p. 235.

<sup>2</sup> *Ibid.* p. 268.



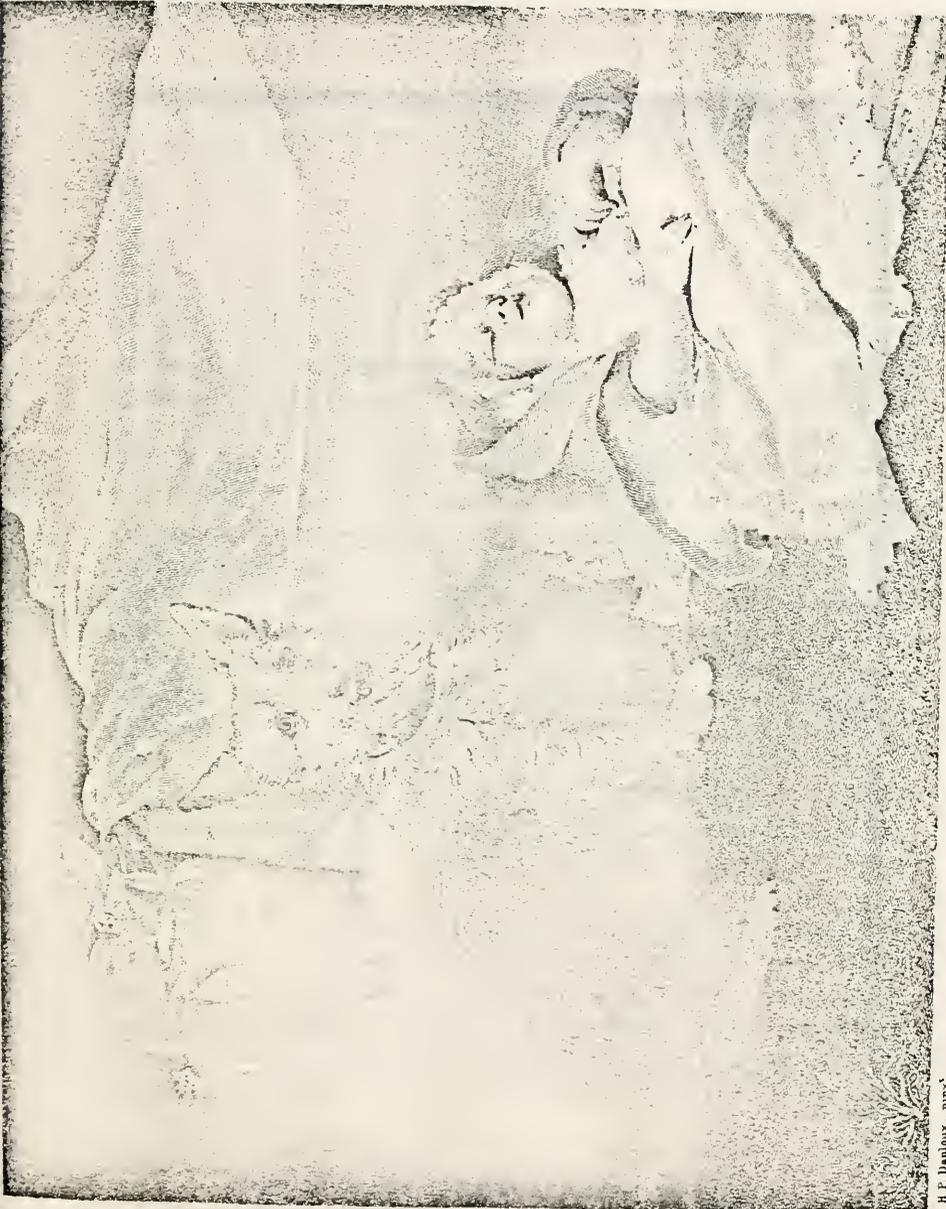
misfortune. The result was that graceful "tribute to his memory," from which we have already quoted, published at first in a weekly journal soon after the death of his lamented patron, and later in the Miscellaneous Works. Sir Walter contrasts Duke Charles with Duke Henry, finding in both the same noble and generous disposition, but regulated in the former by a sense of justice, and lauds him as "a patriot in the noblest sense of the word, holding that the country had a right to the last acre of his estates and the last drop of his blood." He mentions that the military art, both in theory and in practical detail, was a favourite study of the Duke's; points out the interest he took in the improvement of his hereditary estates, his tenderness in domestic relations, his sincerity as a friend, his truthfulness, his culture and shrewd literary common-sense, his frank and easy bearing, his generosity, and his piety. The *éloge* closes thus :—

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

By his marriage with the Honourable Harriet Townshend, Duke Charles William had issue three sons and six daughters, whose names are given in Pedigree No. I. at the end of this volume. His eldest son, George Henry, Lord Scott, having predeceased his father in his eleventh year, the Duke was succeeded on his death in 1819, by his eldest surviving son.

Buccluchan



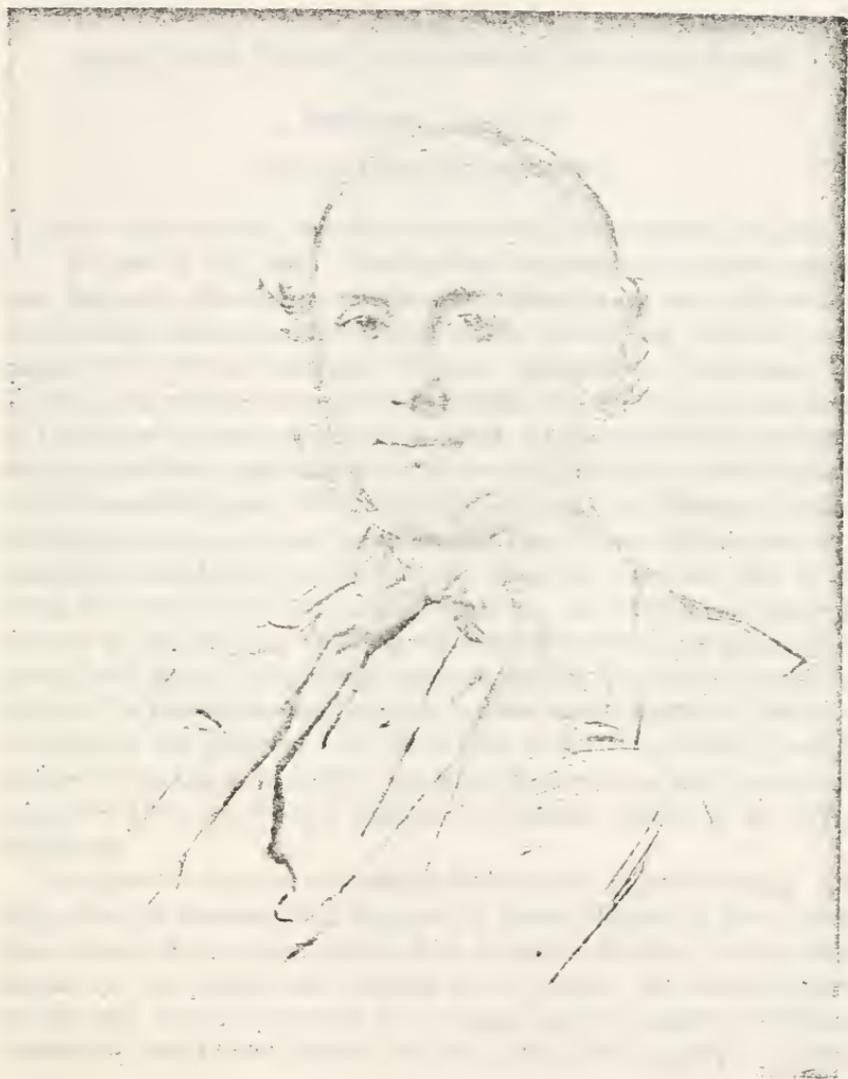


H P Danboux, pinx'

E Mitchell, sculp'

GEORGE HENRY LORD SCOTT,  $\text{\AA}$ TAT. 2,  
ELDEST SON OF CHARLES FOURTH DUKE OF BUCCLEUGH,  
BORN 1798 - DIED 1808.





LORD JOHN DOUGLAS MONTAGU DOUGLAS SCOTT,  
SECOND SURVIVING SON OF CHARLES DUKE OF BUCCLEUCH & QUEENSBERRY,  
B. 1809, D. 1860.



## LORD JOHN DOUGLAS MONTAGU-DOUGLAS SCOTT.

BORN 1809. DIED 1860.

ALICIA ANNE SPOTTISWOODE.

LORD JOHN SCOTT, second surviving son of Duke Charles, was born on the 13th of July 1809. His Lordship inherited the Dunchurch estate, near Rugby, in Warwickshire. For a short time in his early life he held a commission in the Grenadier Guards, but he retired long before the campaigns of the Crimea and India afforded a possibility of distinction. His Lordship was returned Member of Parliament for the county of Roxburgh in 1832, after an electoral contest in which he distinguished himself as a ready and brilliant speaker. His appearances in Parliament as a supporter of the Conservative party were marked by intellectual acuteness and pungent humour, and he gave sure promise of rising to the highest rank as a politician. But having retired from the House of Commons after a few years, and being devoid of personal ambition, he could never again be induced to seek election from any constituency, although he continued to take a lively interest in political questions, and on occasions to declare his opinions in that clever and effective manner which made him always a favourite on the platform. On the division of the Conservative party, he adhered to the late Lord Derby; and it was as croupier at the Protectionist banquet in 1851, that he last appeared as a political speaker in the city of Edinburgh.

His vigour of mind was associated with an equal physical energy. The dash which his ancestors had displayed in Border inroads in less civilised times, showed itself in the hunting-field, where his liveliness and geniality gained him the esteem and affection of every class. He was well known for his skill and achievements as an angler, and the general public was indebted to him for the interest he took in the Forth regattas. Yachting



was a favourite pastime of his Lordship, and the "Flower of Yarrow," long familiar in the Firth at Granton, had the reputation of being one of the fastest yachts afloat in British waters. While his lack of personal ambition prevented him from making efforts after the perpetuation of his name, he yet possessed a touch of genius, the genial flashes of which still live in the pleasant recollection of those who were privileged to know him.

His Lordship married, on 16th March 1836, Alicia Anne, elder daughter of John Spottiswoode, Esquire of Spottiswoode. He died without issue, at his residence, Cawston Lodge, near Rugby, on the 3d of January 1860, in his fifty-first year, and his remains were interred at Dunchurch. He was survived by Lady John, who erected at Cawston a loving monument to his memory in the form of a sun-dial, designed by her ladyship on the model of the old royal one at Holyrood. The dial, which is globular, is supported by a pillar with serpent twining upwards. On the panels of the base are the armorial bearings and the mottoes of the families of Scott and Spottiswoode; and on the capital surmounting the pillar are engraven the initials of Lord and Lady John, with the mottoes—

UNITED IN TIME—

PARTED IN TIME—

TO BE REUNITED WHEN TIME SHALL BE NO MORE.





HIS GRACE WALTER FRANCIS  
DUKE OF BUCCLEUCH AND QUEENSBERRY, K.G.

BORN 1806.





HER GRACE CHARLOTTE ANNE,  
DUCHESS OF BUCCLEUCH AND QUEENSBERRY.





LOUISA.

COUNTESS OF DALKEITH.





WILLIAM-HENRY-WALTER,  
EARL OF DALKEITH, M.P.





WALTER HENRY. LORD ESKDAILL



XXII.—WALTER FRANCIS MONTAGU DOUGLAS SCOTT,  
FIFTH DUKE OF BUCCLEUCH AND SEVENTH DUKE OF QUEENSBERRY, K.G. 1806.

LADY CHARLOTTE ANNE THYNNE, 1829.

THE present noble head of the house of Buccleuch was born at Dalkeith House, on the 25th of November 1806. As the second son of the Earl of Dalkeith, afterwards Duke Charles, he was called the Honourable Walter Francis Montagu till the death of his eldest brother in 1808, when he was styled Lord Whitcheater till 1812. After the succession of Duke Charles in that year, Lord Whitcheater received the courtesy title of Earl of Dalkeith till he became Duke of Buccleuch on his father's death in 1819, while yet under thirteen years of age. The Duke received his early education at Eton College, as his father and grandfather, Dukes Charles and Henry, had done, and afterwards entered St. John's College, in the University of Cambridge, where he took the degree of Master of Arts in 1827. While at Eton, the Duke attended the funeral of King George the Third at Windsor. Sir Walter Scott, in a letter to Lord Montagu, 22d February 1820, writes: "I think your Lordship judged quite right in carrying Walter in his place to the funeral. He will long remember it, and may survive many occasions of the same kind, to all human appearance."<sup>1</sup> In his early youth the Duke showed symptoms of delicate health, but these were warded off by the loving watchfulness of his guardians. Sir Walter Scott took a deep interest in the education of his young chief, and his correspondence on this subject with Lord Montagu, the uncle and guardian of the Duke, affords a glimpse of the training which the great novelist deemed most suitable for the chiefs of noble houses.

Writing from Edinburgh in 1821, he says:—"I am sorry there should be occasion for caution in the case of little Duke Walter, but it is most lucky that the necessity is early and closely attended to. . . . I cannot help thinking that this temporary recess from Eton may be made subservient to

<sup>1</sup> Lockhart's Life of Scott, vol. iv. p. 357.



Walter's improvement in general literature, and particularly in historical knowledge. The habit of reading useful, and, at the same time, entertaining books of history, is often acquired during the retirement which delicate health in convalescence imposes on us. I remember we touched on this point at Ditton; and I think again, that though classical learning be the *Shibboleth* by which we judge, generally speaking, of the proficiency of the youthful scholar, yet, when this has been too exclusively and pedantically impressed on his mind as the one thing needful, he very often finds he has entirely a new course of study to commence just at the time when life is opening all its busy or gay scenes before him, and when study of any kind becomes irksome. . . . I think Walter has naturally some turn for history and historical anecdote, and would be disposed to read as much as could be wished in that most useful line of knowledge; for in the eminent situation he is destined to by his birth, acquaintance with the history and institutions of his country, and her relative position with respect to others, is a *sine qua non* to his discharging its duties with propriety."<sup>1</sup>

Two years after this letter was written, the Duke was placed under the care of Mr. Blakeney, an accomplished gentleman, who had been a student at Cambridge with Lord Montagu, and who quite approved of the opinion of Sir Walter, that a knowledge of domestic history was essential to the Duke's education. "It is, in fact," writes Sir Walter, "the accomplishment which, of all others, comes most home to the business and breast of a public man—and the Duke of Buccleuch can never be regarded as a private one. Besides, it has, in a singular degree, the tendency to ripen men's judgment upon the wild political speculations now current."<sup>2</sup>

During the visit of King George the Fourth to Scotland in 1822, when the loyalty of the kingdom was awakened to the highest enthusiasm, Dalkeith House—or, as the common people have been accustomed to call it since the days of Duchess Anna, Dalkeith Palace—was set apart for the reception of the sovereign, and decorated with all the taste and magnificence that

<sup>1</sup> Lockhart's Life of Scott, vol. v. pp. 71, 72.

<sup>2</sup> *Ibid.* pp. 272, 273.



enthusiastic loyalty could suggest. The bed specially made for his Majesty's use is still preserved at Dalkeith House as a souvenir of the royal visit. During his Majesty's stay the entire road from Dalkeith House to Edinburgh was illuminated by lamps placed at intervals of forty yards; and the town of Dalkeith was busier and cleaner and brighter than it had ever been before. It ought not to be overlooked that in the preparations for the comfort of the sovereign, the thoughtful goodness of the family of Buccleuch was recalled, and their ancient patriarchal custom of supplying the poor with substantial repasts was revived during the King's residence. His Majesty arrived at Dalkeith on the afternoon of Thursday, the 15th of August 1822. The Duke of Buccleuch, then only sixteen years of age, was treated with "the kind and paternal attention of his Majesty." On one occasion Neil Gow's band of Scottish musicians was summoned to attend his Majesty during dinner. The young Duke, who was present with Lord Montagu, Sir Walter Scott, and a select company of gentlemen, was frequently employed by his Majesty in carrying requests for the execution of certain airs, and the King on one occasion, slapping him on the shoulder, said, "Come, Buccleuch, you are the youngest man in the company, and must make yourself useful." When a glass of *liqueur* was offered to the Duke after dinner, the King showed his interest in his youthful host by remarking, "No, no! it is too strong for his Grace to drink." At the magnificent banquet given to his Majesty by the Lord Provost and Magistrates of Edinburgh in Parliament House, on Saturday, the 24th of August, one of the toasts was, "The King's young landlord, the Duke of Buccleuch," which was replied to on behalf of his Grace by Lord Montagu, who hoped that what his Grace had done was only an earnest of what he would afterwards render to his sovereign. After a stay of a fortnight, his Majesty left Dalkeith House on the morning of Thursday, the 29th of August. A portrait of the King in full Highland costume, painted by Sir David Wilkie, was presented by his Majesty to the Duke as a memorial of his visit.

Brilliant preparations had been made for the Duke's majority, which took



place on the 25th November 1827. But the lamented death of his grandmother, the Dowager-Duchess Elizabeth, so well known and beloved in Edinburgh and on her estates for her regal manner and deeds of charity, threw a shadow over the proceedings of welcome; yet the enthusiasm was great all over the south of Scotland, and a contemporary record declares that the excitement in Dumfries was such that "nothing had been seen like it since the battle of Waterloo." The affection of the burgh was immediately reciprocated by the Duke, who consented to become patron of the exhibition of paintings and sculpture about to be opened at Dumfries, with the view of forwarding the promotion of the fine arts in Scotland.

On the 5th of March 1828, the Duke was introduced to the King at St. James's Palace and sworn in as Lord Lieutenant of the county of Midlothian; and his Grace was afterwards, in 1841, appointed to the office of Lord Lieutenant of the county of Roxburgh, both of which offices he still holds. In the month of January immediately preceding the former of these appointments, he became a member of the Highland and Agricultural Society of Scotland, of which in after years he was President, thus early evincing that regard for agriculture which led him, in conjunction with other great land-owners, to found and advance the "Association for promoting Improvement in the Dwellings and Domestic Condition of Agricultural Labourers in Scotland."

In the early summer of 1828, his Grace returned from a brief continental tour, and took his seat in the House of Lords as Earl of Doncaster. On the 1st of October in the same year, a sumptuous banquet was given at Dumfries, by the gentlemen of Dumfriesshire and Galloway, in congratulation of the Duke on the attainment of his majority. The chair was occupied by the late John James Hope-Johnstone, Esq. of Annandale, vice-lieutenant of the county, supported on the right by the young Duke, and on the left by his Grace's loyal clansman, Sir Walter Scott. The company numbered nearly a hundred. In the judicious speech with which the chairman introduced the toast of the Duke's health, the following expression of hopefulness in the Duke's career was given by Mr. Hope-Johnstone:—



“It is scarcely necessary for me to remark that it is not on the possession of rank and wealth and influence, considered merely as such, high and ample and powerful though they be, that we thus address your Grace. It is upon the possession of these advantages as the means by which your Grace may render yourself eminently useful to your country and your race that we congratulate. . . . We look upon your Grace and feel thus warmly interested in you, not as being raised by external circumstances above the consideration of the necessities of humanity, and a participation in its cares, but as being imperatively called upon by these very circumstances to devote your mind to the study of the causes which are productive of individual misery or national calamity, that you may labour to alleviate or remove them. And, my Lord Duke, entertaining these sentiments, it is with the most heartfelt satisfaction that we are enabled to state that whether we look to the characters of those from whom you imbibed the principles of moral obligation, or to what we already know of your own character and disposition, we think ourselves entitled to mingle as much of confidence as of hope in the expectations we form. We are not met for any purpose of idle ceremony or to pay your Grace unmeaning compliments.”

His Grace replied in the following graceful speech, promising to follow the wise advice of his judicious guardians and the good example of his illustrious predecessors :—

“Hitherto I have been seldom among you, but I intend to spend the greater part of my time in this country. I have high and important duties to perform, which occupy much of my time, but I assure you I have the welfare of my native country most sincerely at heart, and will always do my utmost to promote its interests. . . . I have been so fortunate as to be placed with guardians and tutors who have assiduously instilled into my mind, from my infancy, the necessity of establishing a character for myself, independently of the advantages of birth and fortune, by making use of the station in which I am placed, for promoting the general welfare, and it shall be my study to profit by their excellent instructions. In doing this I shall best fulfil the wishes and expectations of this county and of the gentlemen now around me.”



Sir Walter Scott, as already mentioned, was present at the banquet. Five years before, when looking forward to this time, he had written,—“I have few happier days to look forward to, and yet, like all happiness which comes to grey-headed men, it will have a touch of sorrow in it, than that in which he shall assume his high situation, with the resolution which I am sure he will have to be a good friend to the country in which he has so large a stake, and to the multitudes which must depend upon him for protection, countenance, and bread.” On the present occasion Sir Walter spoke as follows :—

“To the venerable Duke Henry, whose name is associated with everything noble and generous, I owed the first encouragements in my literary career. His son Duke Charles, being nearer my own age, I could boast of not only as my patron but as my friend ; and my intimacy with this noble individual, which was only dissolved by death, contributed in no small degree to cheer me onward in the path I was pursuing. Of the noble Duke whom we are now placing in his father’s chair, I may say that I should know him better than he knows himself, for I knew him long before he could know himself ; and I speak with confidence when I predict of him that he will be found the foremost to support every good measure, that he will take the lead of our generous youth in every gallant and manly exercise, and will lead them too—should occasion require it—in opposing the enemies of his country.”

About the same time Sir Walter Scott, whose interest in the young Duke was unceasing, thus records his opinion of his Grace. “The Duke has grown up into a graceful and apparently strong young man. I think he will be well qualified to sustain his difficult and important task. The heart is excellent, so are his talents, with good sense and a knowledge of the world. God bless him ! His father and I loved each other well, and his beautiful mother had as much of the angel as is permitted to walk upon earth.”

The manner in which the Duke sought to fulfil the hopes of his friends and satisfy the expectations of his tenants, is amply shown by the reception



given him by the latter, eleven years afterwards, on the occasion of his return from a sojourn made on the continent of Europe in 1839 for the health of his young family.

A banquet was given in his honour in September 1839, in a large pavilion within the ancient demesne of Branxholm, constructed in the form of an old baronial hall, seated for a thousand persons, and brilliantly illuminated. Representatives attended from every part of his Grace's extensive estates in Scotland, and among the gentlemen present were the Earls of Home and Dalhousie, Lord John Scott, Sir James Graham of Netherby, Bart., M.P., Mr. Hope-Johnstone of Annandale, M.P., and Mr. Pringle of Whytbank, M.P. The chair was occupied by Mr. James Grieve of Branxholm Braes, one of the oldest tenants, whose family had been connected with Branxholm since the sixteenth century. In proposing the health of the Duke of Buccleuch, the chairman, after referring to the Duke as a munificent patron and supporter of all the charities and all the institutions that have for their object to benefit or to improve his native country, and as a real and true friend of the poor, in attending not only to their physical, but also to their moral necessities, in furnishing them with the means of educating their children, and in promoting religion, by building and endowing churches as well as schools, spoke thus of the peculiar regard with which the tenants looked on him :—

“ But we who are his tenants enjoy better opportunities of appreciating his worth and private virtues, and we are bound by every tie of gratitude to acknowledge in the face of the country, his unceasing kindness and liberality. The old ash tree near which we are seated, must have witnessed many generations of the noble house of Buccleuch, in those times when numerous bands of retainers were ready to shed their life blood at the summons of their chief; but we live in happier and more peaceful times, and we are not called upon to show our attachment to the family by sharing the dangers and the glories of the battlefield—

‘ No longer steel-clad warriors ride  
By Teviot's wild and willowed stream.’



“ Instead of the ancient banner of Buccleuch, the Union flag now floats over Branxholm Tower; and we have the high and distinguished honour of seeing at the same festive board the ‘ Bold Buccleuch ’ and the ‘ Gallant Graham, ’ no longer mixing in the bloody strife of a Border foray, but cultivating the arts of peace, improving their estates, and diffusing happiness and contentment around the hearths of their tenantry. But, however distinguished the ancient possessors of Branxholm might be in feats of arms, I am sure that we as tenants can say, that its oldest tower could never boast of a better landlord than the present.”

The Duke in his reply thus expressed his sense of responsibility, and explained the course he had pursued :—

“ Where much is given, much shall be required. That I feel is my case. Providence has blessed me with much, and Providence will require much at my hands. What has been entrusted to me has not been given that it might be wasted in idle or frivolous amusements; nor would I be justified in wasting the hard earnings of the tillers of the soil by carrying them away and spending them in foreign countries; but I wish to see them employed as the means of producing good to them, and to the country at large. I have seen with deep regret the want of churches and schools for the education of the poor in various parts of the country; and of places where the poor and other persons might attend to the worship of their God. It has been my lot, to a certain extent, to remedy these evils. Since my return home I have not been able to go round the whole of my estates, but it is with great pleasure I see the exertions that are being made in all quarters; and I can assure you that they will be seconded by me, whether these be for the improvement of the country, or other matters connected with your professional calling. . . . You will find that this meeting will only prove a stimulus to greater exertion on my part, that I may continue to deserve well of my fellow-countrymen. You will find that I will be, as I trust I have always been, a just as well as a generous landlord. You will find me ready to promote every scheme that is for the benefit of the country. Should I err, do not impute it to any intentional omission; it may be an error of the judgment, it will not be an error of intention.”

Speeches of a most friendly and cordial character were delivered by the Earl of Dalhousie, Mr. Hope-Johnstone, Mr. Pringle of Whytbank, and Sir



James Graham. The last gentleman, a prominent politician, who was officially associated with the Duke during the Peel administration a few years later, paid a very high compliment to his noble friend:—

“ . . . My ancestors rued the day when they crossed the Border, for they found your ancestors formidable enemies. But we live in happier times; and I can now look across the Border and see them locked together in a fast and warm and constant friendship. I delight in meetings of this kind. Let others flatter Courts; there are civic honours which it is in the power of the people of this country to bestow; and this is one of those occasions where an independent tenantry have offered to their landlord a tribute of affection dear to his heart as any honour which the most exalted persons could bestow. Nor are such meetings without their use. They set an example to the nobles of the land. They prove that by good conduct, by residence, by kindness, by familiarity which is quite consistent with dignity, the hearts of the tenantry may be gained. The fame of this meeting has already crossed the Border, and it will tend to remove many mistakes that prevail on the other side.”

During the visit of Queen Victoria to Scotland in 1842, which has fortunately been the occasion of her choosing a quiet and charming Highland home for her autumn residence, the Duke of Buccleuch had the honour of entertaining her Majesty at Dalkeith House. A peculiar dignity of the Duke, that of Captain-General of the Royal Company of Archers, a body composed of noblemen and gentlemen, entitled him to occupy the honourable post of attendant to the Queen on all State occasions during her residence in Scotland. In virtue of this office, which the Royal Archers claimed to inherit from the ancient Scottish Archer Guard, his Grace had the honour of taking place at the coronation of King William the Fourth with the gold stick of England, as a substitute for the Earl of Dalhousie, then absent in India and unable to enjoy personally the privilege of his office of Captain-General. Having been chosen Captain-General in 1838, the Duke rode immediately next and after the royal carriage in the procession at the coronation of Queen Victoria. The arrangements for the reception of her Majesty at Granton Harbour, a magnificent structure which had been erected



at his own expense by the Duke of Buccleuch, were in great part due to the zealous interest of the Duke, who, as Lord-Lieutenant of the county of Edinburgh, had the privilege of receiving the Queen, and of conducting her to her carriage. Her Majesty, on her arrival on the 1st September, proceeded through Edinburgh to Dalkeith House, where she and Prince Albert resided while in this part of Scotland. The rooms occupied by the Queen during her stay were the same as her uncle, King George the Fourth, had occupied when at Dalkeith House in 1822. She remained there till Tuesday, the 6th September.

His Grace the Duke of Buccleuch presided at the public dinner given to George, ninth Earl of Dalhousie, in 1829, before his departure to the command of the forces in India, and at a similar one given in the Music Hall, in Edinburgh, on the 14th of September 1847, in honour of the tenth Earl—afterwards the Marquess—of Dalhousie, who was about to proceed to India as Governor-General. Mr. Adam Black, the well-known politician and publisher, then Lord Provost of Edinburgh, took occasion, in speaking of the Duke of Buccleuch, to refer to his Grace as having “preferred the rougher path of virtuous exertion to that of inglorious ease.” He further said:—

“In our chairman we recognise one of the most zealous and successful promoters of the agriculture of our country. While he has been improving his vast estates, he has been every year adding to the wealth of the kingdom and to the comfort of the people. His has been no stinted outlay, wrung from him by the importunities of husbandmen; but his place has been always in advance of his tenantry in the march of improvement, and lavish in the encouragements he has afforded. . . . It would be unpardonable in the chief magistrate of Edinburgh were he to omit on the present occasion to acknowledge the important service his Grace has rendered to the public and commerce of our city, by providing at an enormous cost convenient accommodation for our shipping.”

The Duke afterwards stated that he had built the harbour at Granton, to which Mr. Black had referred, “with no view to private advantage, but solely



on the solicitations of others for the sake of the community." That gigantic undertaking was commenced in the year 1835, and from that time to the present day important works have been in progress to make Granton one of the most commodious of modern harbours. Granton has now acquired an important trade with Sweden and Norway, and what was formerly but a little village promises soon to become a flourishing suburb of the city of Edinburgh. The new pier at Burntisland, on the other side of the Firth of Forth, was partly due to the public spirit of the Duke.

Over all the extensive estates of the Duke, as well as at Granton, great improvements have been made with equal liberality and judgment. Churches and schools, and commodious farm-onsteads have been built wherever required; and in the districts of Teviotdale, Yarrow, and Dalkeith, not only have new churches and schools been erected, but entire new parishes have been formed at Teviothead, Kirkhope, and West Dalkeith, out of the former large parishes, chiefly through the liberality of his Grace. Throughout his career he has shown a constant devotion to the culture of the people. He has always manifested that lively interest in the poor and unfortunate which made the name of his ancestors for generations a household word, and no name appears more frequently than that of the Duke of Buccleuch among the patrons and promoters of patriotic and benevolent societies.

It had been the hope of Mr. Charles Townshend, as guardian of Duke Henry when a minor, that the Duke should enter into political life; and it will be remembered that, immediately on Mr. Townshend's death, the Duke relinquished all political ambition, devoting himself to the careful and kindly management of his estates, and to quiet intercourse with those eminent literary men who then threw a lustre around the capital of Scotland. The present Duke, while preserving the characteristic traits of his grandfather, has all along taken more interest in political affairs, and he was a member of what was perhaps the most historic Cabinet of modern times. He was nominated a Privy Councillor in 1842, and held the office of Lord Privy Seal from February of that year till January 1846. He was Lord President



of the Council from this last date till July of the same year. While he held office a great part of the Government business of Scotland was managed by his Grace. In the midst of domestic duties, and the labour entailed in the management of his extensive estates, the Duke has never lost sight of the highest culture of the times. His interest in art is witnessed by the many responsible positions he has occupied in connection with institutions having its advancement for their object, such as the Board of Trustees for Manufactures, the Royal Institution for the Encouragement of the Fine Arts in Scotland, of which her Majesty is patroness and president, and his Grace vice-president, and the Architectural Institute of Scotland, of which his Grace is president. Science recognised his sympathy with its aims when he was elected president of the British Association which met at Dundee in September of 1867, the Duke delivering an inaugural address; while the world of literature has added its honours, the University of Oxford having conferred on him the degree of Doctor of Civil Law in 1834, the University of Cambridge, his *alma mater*, that of Doctor of Laws in 1842, the University of Edinburgh the same honour in 1874. The University of Glasgow has recently chosen him as its Chancellor, all political parties agreeing to secure a unanimous and cordial election of the Duke of Buccleuch to the highest honour at its disposal.

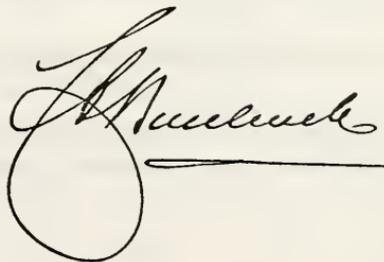
Rarely, if ever, has any landowner received such a tribute as that accorded to the Duke by his tenants, on the occasion of his jubilee as a landlord, celebrated in the Music Hall of Edinburgh on the 7th of May 1878. Four or five hundred gentlemen from different parts of the kingdom were present at the banquet. An illuminated address, with an accompanying roll subscribed by 700 tenants of the Duke in Scotland, was presented to his Grace, acknowledging the keen interest he had early and always shown in the improvement of agriculture, the attention he had paid to the comfort of the tenants and labourers, and congratulating him on the taste and skill with which he had beautified portions of his estates by judicious planting. All the professions of the country were ready to do honour through their repre-



sentatives to the generosity and public spirit of his Grace, and it was with deep feeling that he spoke of the work he had endeavoured to do, and of the appreciation of his success, throughout a long life :—

“The only satisfaction I have now-a-days, at the end of a life which cannot be much prolonged under the ordinary duration of human nature, is that, at all events I shall feel that I have a most valuable legacy to leave behind me, and that the person to whom that legacy will naturally fall is well worthy of receiving it. I can assure you it is a source of happiness in my declining years, to look forward that when I am removed from the scene of this world, those whom I have loved and who have loved me during my lifetime will be as welcome and as kindly loved and treated and felt for by those who come after us, as I have been.”

His Grace married, on 13th August 1829, the Lady Charlotte Anne Thynne, youngest daughter of Thomas second Marquess of Bath, and has had five sons and three daughters, whose names are given in Pedigree No. I., at the close of this volume.





## ARMORIAL BEARINGS.

First, The royal arms of King Charles the Second (viz., quarterly, 1st and 4th, *France* and *England* quarterly; 2d, *Scotland*; 3d, *Ireland*), debruised by a baton sinister, argent: second, or, on a bend azure a mullet between two crescents of the field, for *Scott*: third, quarterly 1st and 4th, argent, a man's heart gules crowned with an imperial crown proper, on a chief azure three mullets of the field, for *Douglas*; 2d and 3d, azure, a bend between six cross-crosslets fitchée or, for *Mar*; the whole of this quarter within a bordure or, charged with the double tressure of *Scotland* gules: fourth, quarterly, 1st, argent, a lion rampant gules, for *Angus*; 2d, argent, a man's heart gules, on a chief azure three mullets of the field, for *Douglas Earl of Angus and Morton*; 3d, argent, three piles gules, for *Brechin*; 4th, or, a fess chequy azure and argent surmounted of a bend sable charged with three buckles of the field, for *Stewart of Bonkil*: fifth, quarterly 1st and 4th, gyronny of eight or and sable, for *Campbell*; 2d and 3d, argent, a galley sable, sails furled flags and pennons flying and oars in action, for *Lorn*: sixth, quarterly, 1st argent, three fusils in fess, gules, a bordure sable, for *Montagu*; 2d, or, an eagle displayed vert beaked and membered gules, for *Monthermer*; 3d, sable, a lion rampant argent, on a canton of the last a cross gules, for *Churchill*; 4th, argent, a cheveron gules between three morions azure, for *Brudenell*.

*Crests*.—(1.) A stag trippant, proper, attired and unguled or, for *Scott*; (2.) A man's heart gules crowned and winged or, for *Douglas*.

*Supporters*.—Dexter, a lady richly attired à l'antique, with hair hanging over her shoulders proper, for *Scott*. Sinister, a Pegasus argent winged or, for *Douglas*.

*Mottoes*.—Amo, and Forward.









*Du tres-hault, puissant, et tres-noble Prince  
 Jaques Scot Duc de Monmouth, et Bucclugh  
 Comte de Doncaster, et Dalkeith, Baron de  
 Tindall, Whitchesster, et Ashdale, Chevalier  
 du tres-noble Ordre de la Jarriere, Insballé  
 au Chasceau de Wmdsor le Vingt et deuxiesme  
 jour d'Aurit 1663,*

( Cancelled in Chapter of the Order of the Garter, 18 June 1635. )





Du Très Haut, Puissant, et Très Noble Prince HENRI. Duc et Comte de BUCCLEUCH, Comte de *DALKEITH*, Baron *SCOTT* de *BUC-CLEUCH*, et Baron *SCOTT* de *WHITCHESTER* et d'*ESKDALE*, en Ecosse ; et Comte de *DONCASTER*, et Baron de *TINDALE*, en Angleterre ; Chevalier du très noble Ordre de la *JARRETIÈRE* ; Dispensé des Ceremonies d'Installation par lettres patentes datées du *XXIX*<sup>me</sup> Jour de May *MDCCCI* .

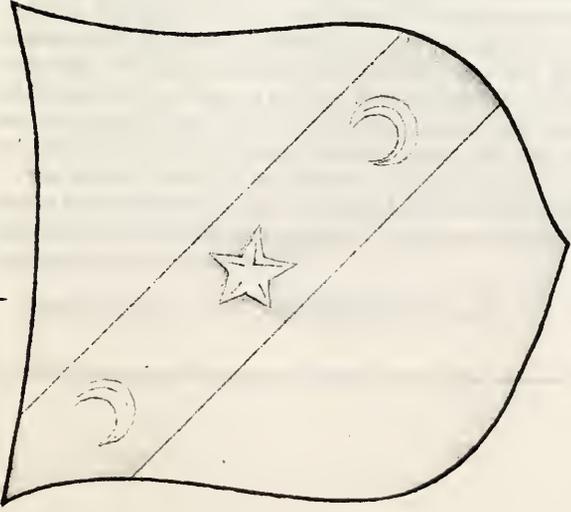




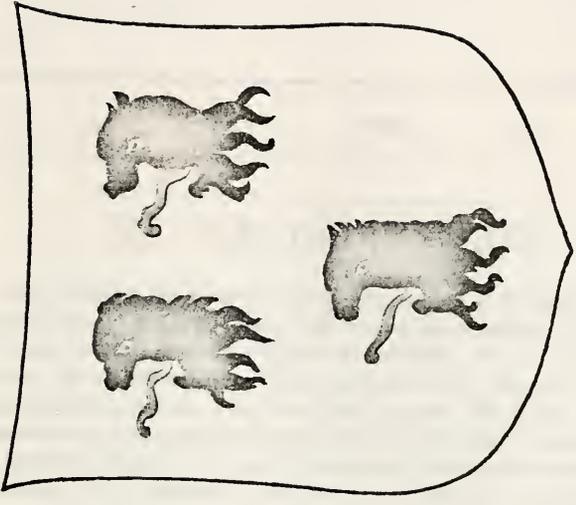
Du Tres Haut, Puissant, et Très Noble Prince,  
**GUALTIER-FRANCOIS, DUC et COMTE de BUCCLEUCH**  
**COMTE de DALKEITH, BARON SCOTT de BUCCLEUCH**  
**BARON SCOTT de WHITCHESTER, et d'ESKDALE, en ECOSSE;**  
**COMTE de DONCASTER, et BARON de TINDALE, en ANGLETERRE,**  
 Aussi **DUC de QUEENSBERRY, MARQUIS de DUMFREISSHIRE,**  
**COMTE de DRUMLANGRIG et SANQUHAR, VICOMTE de NITH,**  
**TORTHORWELL et ROSS, BARON DOUGLAS de KINMOUNT,**  
**MIDDLEBIE, et DORNOCK en ECOSSE;**  
**SEIGNEUR LIEUTENANT de la PROVINCE d'EDINBOURG,**  
**CHEVALIER du TRÈS NOBLE ORDRE de la JARRETIÈRE.**  
 Dispensé des Ceremonies d'Installation par Lettres Patentes,  
 datées du **XXIII** Jour de Février **MDCCCXXXV.**



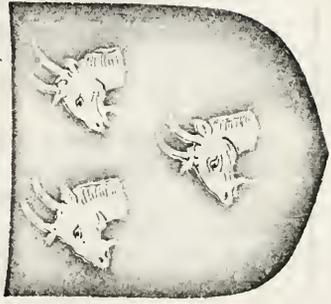
Scot of Ginkhurst



Scot of Boherny



Scot of ante





## ARMORIAL SEALS.

THE earliest known record of the armorial bearings of the family of Scott is that contained in the seal of Michael Scott, which is appended to the deed of homage by the Barons of Scotland to King Edward the First in the year 1292. Michael Scott is presumed to have been the Baron of Balwearie in Fife, although he is not so designated in the deed. The seal bears a cheveron between three lions' heads coupéd. The Scotts of Balwearie and their descendants have since carried these ancient arms, with slight variations.

The seal of Robert Scott, Lord of Rankilburn, is the earliest known seal of the Scotts of Buccleuch. It is appended to the charter of excambion of the lands of Bellenden for Glenkery, in the year 1415. The shield bears a bend charged with two crescents, and on the upper part a star or mullet, which is repeated in the sinister chief point.

The only instance of any other distinctly different armorial ensign of the family of Scott is that given in Sir David Lindsay's Heraldic Manuscript of 1542, in which he records—gules, three goats' heads coupéd, argent, for "Scot of Auld." But these heads may have been mistaken for the three lions' heads of Balwearie.

A collection of armorial seals of the Scotts of Buccleuch is given in the present work.<sup>1</sup> These show the form in which the well-known crescents and star continued to be carried for many generations. The earliest form of carrying the two crescents on the lower part of the bend, and the mullet on the upper part, was adhered to till the time of the first Lord Scott of Buccleuch, whose seal in 1599 shows one crescent between two stars or mullets on the bend. Of two separate seals of Francis second Earl of Buccleuch, one shows the ancient, and the other the more modern form of disposing of the crescents and stars.

On the marriage of the Duke and Duchess of Buccleuch and Monmouth, the royal arms were quartered with those of Buccleuch, and these arms were carried till the forfeiture of Monmouth. The Duchess thereafter used the Scott arms only, which are thus blazoned in a patent granted to her Grace by the Lyon King-of-Arms: Or, on a bend azure, a star betwixt two crescents of the first. Crest, a stag passant proper, armed and unguled, or. Supporters, two ladies richly attired à l'antique, with hair hanging over their shoulders. Motto, Amo.<sup>2</sup>

The earliest instance of the Buccleuch supporters appears in the armorial seal of Sir Walter Scott of Buccleuch, father of the first Lord Scott of Buccleuch, in 1568. His armorial seal has two bucks or stags for supporters. The first and second Earls of Buccleuch had for supporters two ladies richly attired.<sup>3</sup>

<sup>1</sup> Page 529, *et seq.*

<sup>2</sup> Lyon Register, vol. i. p. 34.

<sup>3</sup> Seals, pp. 531, 532.



Sir Walter Scott has given an explanation of the difference between the armorial bearings of the Scotts of Buccleuch and those of Scott of Harden. He says the latter carried the crescents and star in the field, without the bend of Murdieston, in consequence of the Harden branch having come off the main line before the marriage with the heiress of Murdieston. But this is a mistake. The earliest known ensigns of the Scotts of Sinton, and their cadets of Harden, have the crescents and star on a bend, and not in the field;<sup>1</sup> and as late as the year 1673, Sir William Scott of Harden obtained from the Lyon King-of-Arms a patent, in which his arms are blazoned thus: Or, on a bend azure a star of six points betwixt two crescents of the field. In the sinister canton, a rose gules, stalked and barbed, proper.<sup>2</sup>

The same Sir William Scott became heir-male of the Scotts of Sinton on the death of Archibald Scott of Bonraw, who granted a resignation of his rights as heir-male of Sinton in his favour, whereupon Sir William obtained from Lyon King-of-Arms a patent, dated 29th November 1700, which narrates that Sir William was descended of the ancient family of the Scotts of Sinton, and had now right to represent that family, and to bear their ensign armorial, by virtue of a renunciation thereof dated 27th November 1700, made in his favour by Archibald Scott of Bonraw, the lineal representative of the family. The arms granted to Sir William Scott are thus blazoned: Or, two mullets in chief and a crescent in base, azure: crest, a nymph holding in her dexter hand the sun, and in her sinister the moon, supported by two mermaids, each holding in her other hand a mirror, all proper. Motto, *Reparabit cornua Phœbe*.<sup>3</sup>

On 7th March 1820, Walter Scott of Abbotsford, afterwards Sir Walter, obtained a patent of arms, with the Scott arms blazoned, without the bend of Murdieston.<sup>4</sup> After his creation as a Baronet, he obtained another patent, on 12th January 1822, containing the Scott arms, also without the bend.<sup>5</sup> The same arms were regranted to Sir Walter's grandson, Walter Scott Lockhart Scott, on 28th July 1848;<sup>6</sup> and also to Mrs. Charlotte Harriet Jane Lockhart Hope Scott of Abbotsford, on 15th March 1853.<sup>7</sup>

The patent of arms granted to Sir William Scott of Harden in 1700 was known to Sir Walter Scott. It bears an indorsation, dated 5th February 1820, that it was produced in the Lyon Office by Walter Scott of Abbotsford, and entered in the register in which it had been omitted. Sir Walter at the same time obtained for himself a patent with the Scott arms quartered as in the patent of 1700. This explains how Sir Walter was led into the erroneous idea that the Sinton and Harden arms were carried without the bend of Murdieston.

<sup>1</sup> Seal of Walter Scott of Sinton in 1550, p. 534, No. 22; and seals of Scotts of Harden in 1540 and 1584, in Lord Polwarth's Charter-room.

<sup>2</sup> Original Patent in Lord Polwarth's Charter-room, and in Lyon Register, vol. i.

<sup>3</sup> Original patent in Lord Polwarth's Charter-room and the Lyon Register.

<sup>4</sup> Lyon Register, vol. ii. p. 190.

<sup>5</sup> *Ibid.* vol. iv. p. 8.

<sup>6</sup> *Ibid.* p. 111.

<sup>7</sup> *Ibid.* vol. v. p. 38.



# ARMORIAL SEALS OF THE SCOTTS.

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No. 1.



No. 2.



No. 3.



No. 4.

1. Robert Scott, fifth Lord of Buccleuch, 1415.
2. Sir Walter Scott of Buccleuch, 1449.
3. David Scott, Lord of Buccleuch, 1470.
4. Sir Walter Scott of Buccleuch, 1528.





No. 5.



No. 6.



No. 7.



No. 8.

5. Sir Walter Scott of Buccleuch, 1545.
6. Sir William Scott of Kirkurd, 1550.
7. Janet Scott of Howpaslet, 1532.
8. Grissel Scott, Lady Borthwick, 1576.





No. 9.



No. 10.



No. 11.

9. Sir Walter Scott of Buccleuch, 1568.  
10. Sir Walter, first Lord Scott, 1599.  
11. Walter Scott, first Earl of Buccleuch, 1632.





No. 12.



No. 13.



No. 14.

12, 13, and 14. Francis second Earl of Buccleuch, 1635, 1645, 1648.





No. 15.



No. 16.



No. 17.



No. 18.



No. 19.

15. Mary Countess of Buccleuch.  
16. Anna Duchess of Buccleuch.  
17. James Duke of Buccleuch and Mowmouth, 1669.  
18 and 19. Anna Duchess of Buccleuch.





No. 20.



No. 21.



No. 22.



No. 23.



No. 24.



No. 25.

20. Thomas de Collevilla-Scott, circa 1190.

21. Sir William Scott of Balwearie, circa 1390.

22. Walter Scott of Sinton, 20th April 1550.

23. Archibald Earl of Douglas, 1393.

24. Archibald Earl of Douglas, 1426.

25. William of Crechton, 1439.







## SIGNATURES OF THE SCOTTS.

Walter Scott of Buccleuch  
 Esq to my Son James

No. 1.

Janet Betoun Wife  
 of Buccleuch

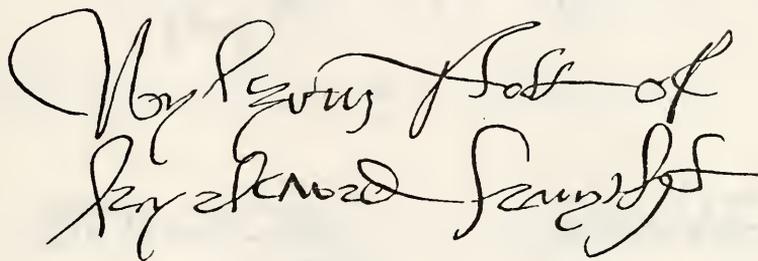
No. 2.

Grissel Scott L Borthwick

No. 3.

1. Sir Walter Scott of Buccleuch, 1519.
2. Janet Betoun his wife, 1553.
3. Grissel Scott, Lady Borthwick, his daughter, 1576.





A handwritten signature in black ink, written in a cursive style. The text reads "My Sonnes of Kirkcubri". The signature is fluid and elegant, with a long horizontal stroke at the end.

No. 1.



A handwritten signature in black ink, written in a cursive style. The text reads "Margaret Lady Johnstone". The signature is very fluid and elegant, with a long horizontal stroke at the end.

No. 2.

1. Sir William Scott of Kirkcubri, son of Sir Walter, 1550.
2. Margaret Scott, Lady Johnstone, his daughter, 1598.



Walter Scott of Braxholm  
 Amy +

No. 1.

BVKWCH  
 74

No. 2.

Buccluch

No. 3.

Margaret Ker.

No. 4.

Buccluch

No. 5.

Buccluch

No. 6.

1. Sir Walter Scott of Braxholm, 1569.
- 2 and 3. Walter first Lord Scott of Buccleuch, 1574-1611.
4. Margaret Ker his wife.
- 5 and 6. Walter second Lord Scott of Buccleuch, 1611.





No. 1.



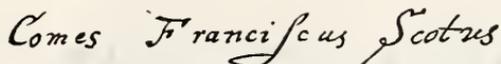
No. 2.



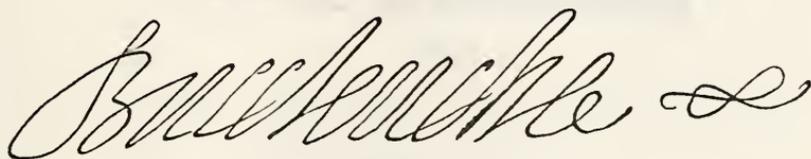
No. 3.



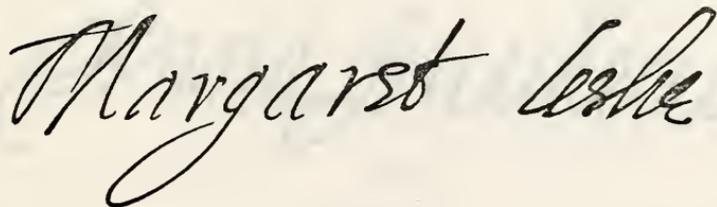
No. 4.



No. 5.



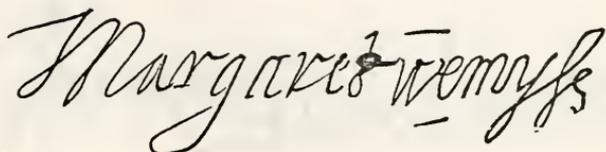
No. 6.



No. 7.

- 1, 3, and 4. Walter first Earl of Buccleuch.
2. Lady Mary Hay, his Countess, 1619-1633.
- 5 and 6. Francis second Earl of Buccleuch.
7. Lady Margaret Leslie, his Countess.

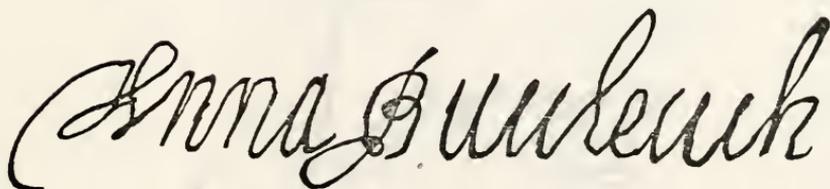


A handwritten signature in cursive script, reading "Margaret Wemyss". The letters are fluid and connected, with a prominent flourish at the end of the word "Wemyss".

No. 1.

A handwritten signature in cursive script, reading "Marie Buccleuch". The signature is elegant and well-proportioned, with clear letter formation.

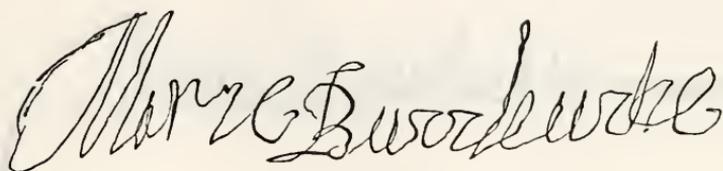
No. 2.

A handwritten signature in cursive script, reading "Anna Buccleuch". The signature is highly decorative, with large, sweeping loops and flourishes, particularly in the initial "A" and the final "h".

No. 3.

1. Margaret Countess of Wemyss, Dowager-Countess of Buccleuch, 1654.
2. Mary Countess of Buccleuch, her daughter.
3. Anna Countess of Buccleuch, sister of Countess Mary, 1666.

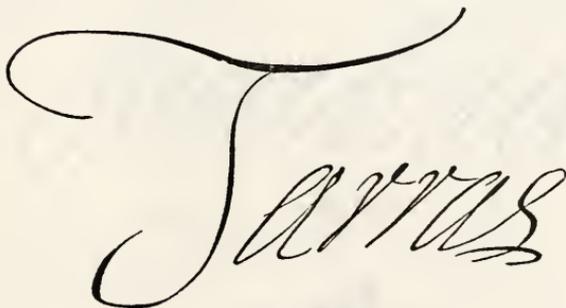


A handwritten signature in cursive script, reading "Mary Countess of Buccleuch". The letters are fluid and connected, with a prominent initial 'M'.

No. 1.

A handwritten signature in cursive script, reading "Buccleuch". The letters are fluid and connected, with a prominent initial 'B'.

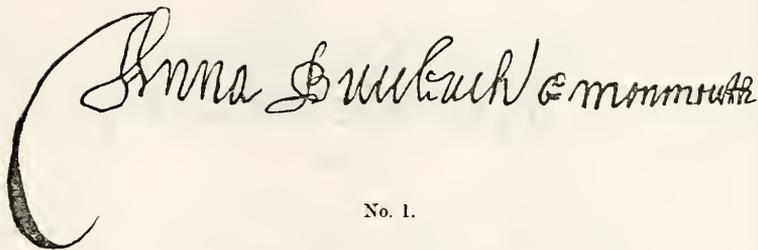
No. 2.

A handwritten signature in cursive script, reading "TARRAS". The letters are fluid and connected, with a prominent initial 'T'.

No. 3.

1. Mary Countess of Buccleuch, 1661.
2. Walter Scott of Highchester, her husband, signing as Earl of Buccleuch.
3. The Same, signing as Earl of Tarras.





No. 1.



No. 2.



No. 3.



No. 4.

1, 2, 3. Anna Duchess of Buccleuch and Monmouth.

4. The same as A. B. C. (Anna Buccleuch and Cornwallis).



*H Dalkeith*

No. 1.

*Buccleuch*

No. 2.

*Jane Douglas*

No. 3.

*Dalkeith.*

No. 4.

*Caroline Dalkeith*

No. 5.

1. Lady Henrietta Hyde, wife of James Earl of Dalkeith.
2. Francis second Duke of Buccleuch, their son.
3. Lady Jane Douglas, his wife.
4. Francis Earl of Dalkeith, son of Duke Francis.
5. Lady Caroline Campbell, his Countess.





No. 1.

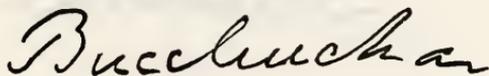
I find I am too old, and too young  
for a Peace Week:



No. 2.



No. 3.



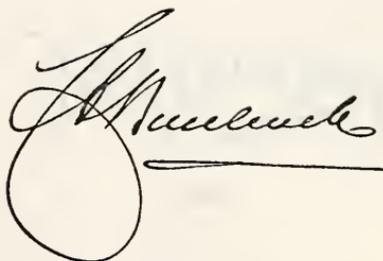
No. 4.

- 1 and 2. Henry third Duke of Buccleuch.
3. Lady Elizabeth Montagu, his Duchess.
4. Charles fourth Duke of Buccleuch.





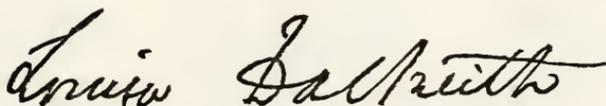
No. 1.



No. 2.



No. 3.



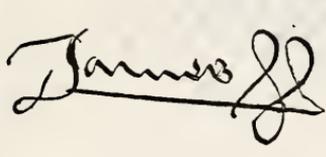
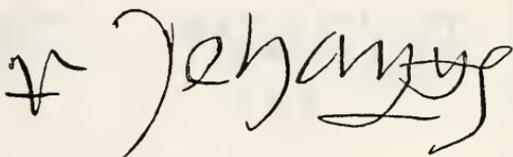
No. 4.



No. 5.

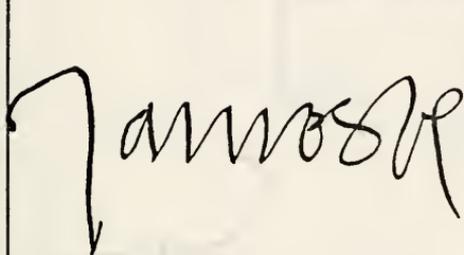
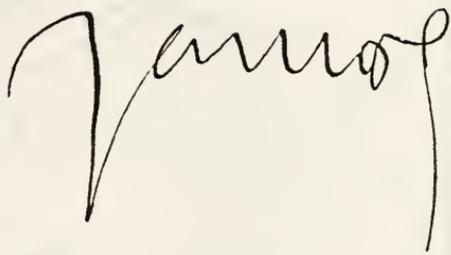
1. Walter Francis, present Duke of Buccleuch.
2. Charlotte Anne, present Duchess of Buccleuch.
3. William Henry-Walter, Earl of Dalkeith.
4. Louisa Countess of Dalkeith.
5. Walter-Henry, Lord Eskdaill.



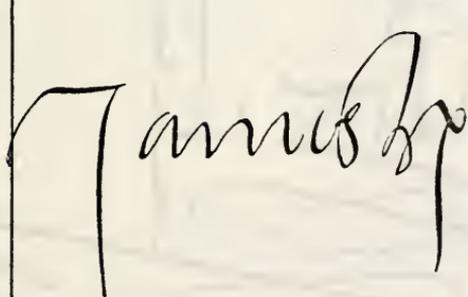
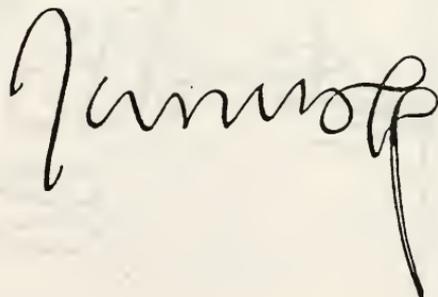
No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

1. King James II., 1451.
2. John Duke of Albany, Regent, 1516.
- 3-6. King James the Fifth.

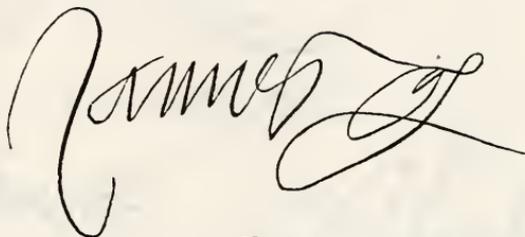


A handwritten signature in a cursive script, consisting of several vertical strokes and loops, representing the name Marie of Guise.

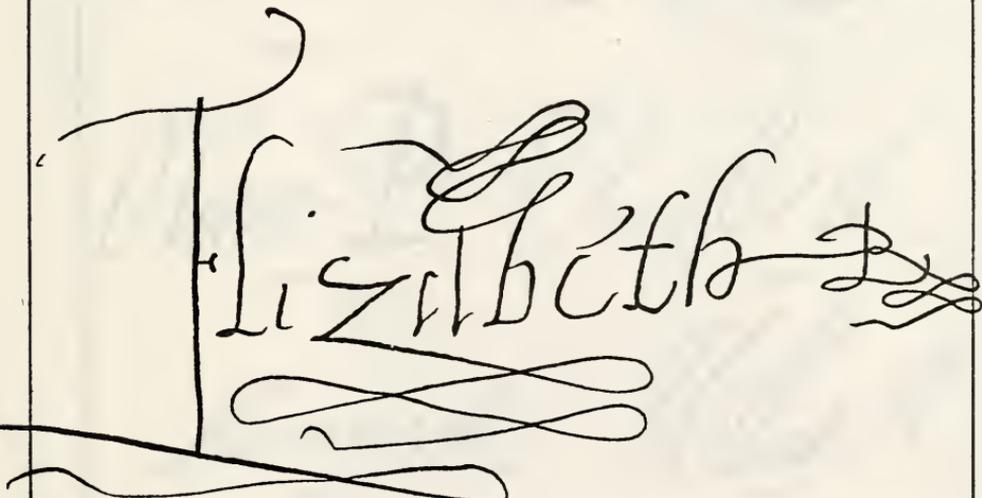
No. 1.

A handwritten signature in a cursive script, consisting of several vertical strokes and loops, representing the name Marie.

No. 2.

A handwritten signature in a cursive script, consisting of several vertical strokes and loops, representing the name James.

No. 3.

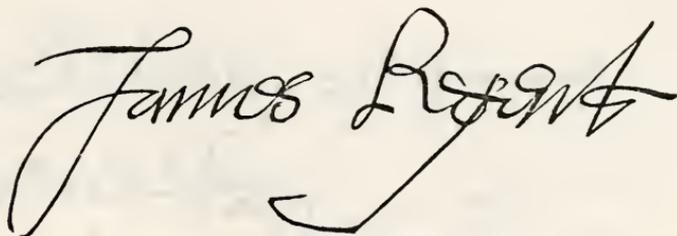
A large, highly decorative handwritten signature in a cursive script, consisting of several vertical strokes and loops, representing the name Elizabeth.

No. 4.

1. Marie of Guise, widow of King James V.
2. Mary Queen of Scots.

3. James Earl of Arran, Regent.
4. Elizabeth Queen of England.

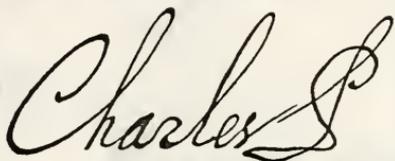




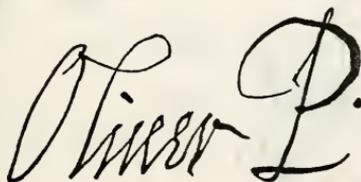
No. 1.



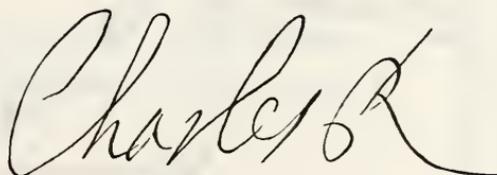
No. 2.



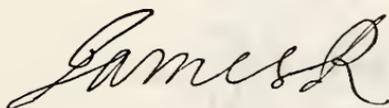
No. 3.



No. 4.



No. 5.



No. 6.



No. 7.

1. James Earl of Morton, Regent, 1574.
2. King James the Sixth of Scotland, 1592.
3. Charles Prince of Wales, 1622.

4. Oliver Cromwell, Protector, 1654.
5. King Charles the Second, 1669.
6. King James the Second, 1686.

7. King William the Third, 1690.



Archibald. = 21 of Angus  
No. 1.

Dand Ker  
off Ferniehirst by my said  
No. 2.

David Cars  
off Suttanoy  
No. 3.

James Scott  
of Balverie  
No. 4.

No. 5. Wm Bishop  
W. = 21 of Aberdeen  
Wm Lord Compositors  
Jag. fuchs

Smidare

1. Archibald fifth Earl of Angus, 1472.

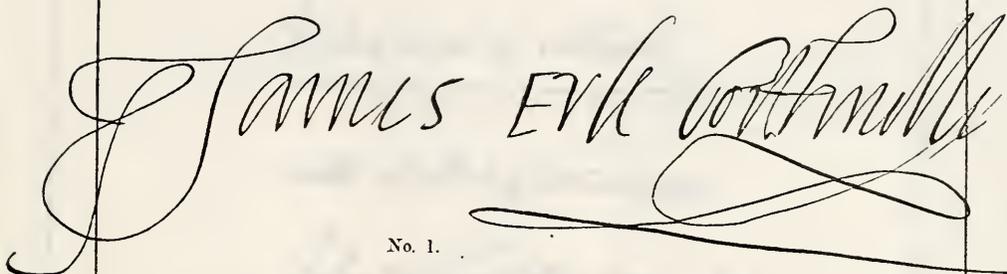
2. Dand Ker of Ferniehirst, 1530.

3. David Betoun, Cardinal of St. Andrews, 1542.

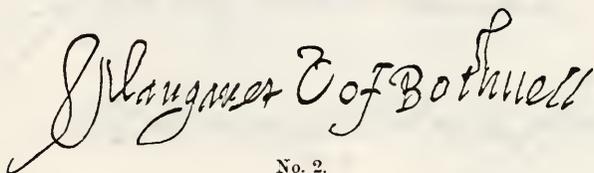
4. Sir James Scott of Balverie, 1590.

5. William Bishop of Aberdeen, and other  
Lords Compositors, 1535.

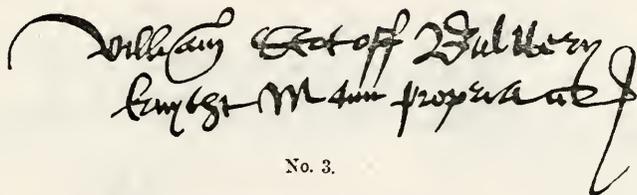




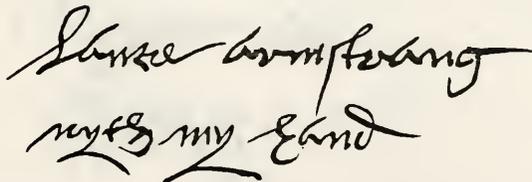
No. 1.



No. 2.



No. 3.



No. 4.

1. James Earl Bothwell, 1567.

2. Margaret Countess of Bothwell, formerly  
wife of Sir Walter Scott of Branxholm, 1599.

3. William Scott of Balwearie, 1507.

4. Lancelot Armstrong, 1599.



Robert Elliot of Redheuch

No. 1.

John Van Olden Barneveldt

John Van Olden Barneveldt

No. 2.

Maurice de Nassau

No. 3.

Buccleuch

Margaret Leslie  
Rothes

No. 4.

1. Robert Elliot of Redheuch, 1599.

2. John Van Olden Barneveldt, Dutch Statesman, 1611.

3. Prince Maurice de Nassau, 1611.

4. Francis second Earl of Buccleuch, Lady Margaret Leslie his Countess, and John Earl of Rothes, 1646.



No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

1. John first Earl of Lauderdale, 1644.
- 2 and 3. John second Earl, afterwards Duke, of Lauderdale, 1664-1669.
4. James Marquis of Hamilton, circa 1624.
5. John Earl of Melfort, 1686.
6. Walter Scott of Satchells, author of *The True History of the Scots*.



## No. I.

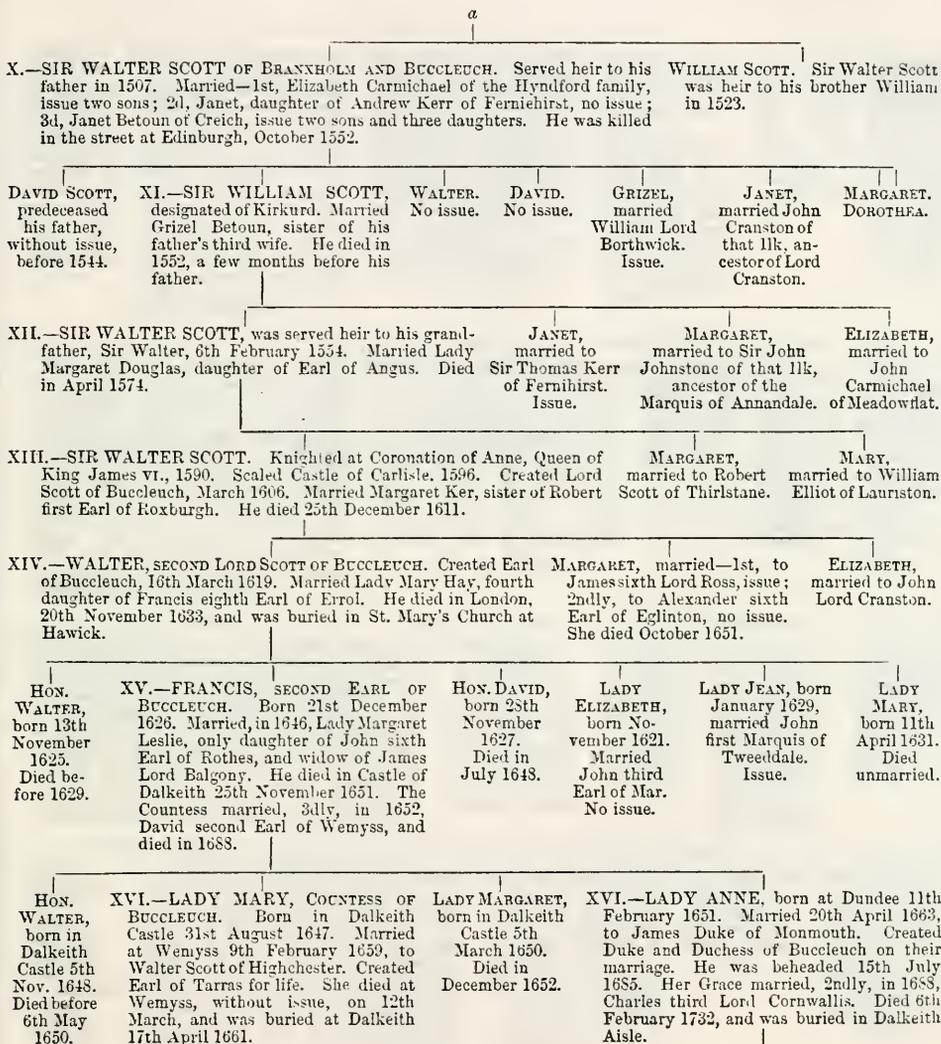
## PEDIGREE OF THE SCOTTS OF BUCCLEUCH,

BY WILLIAM FRASER.

- I.—RICHARD SCOTT OF RANKILBURN AND MURTHOCKSTON. Married the daughter and heiress of Murthockston of that ilk, in the county of Lanark, *circa* 1265-1320. Swore fealty to King Edward the First, 1296.
- II.—SIR MICHAEL SCOTT, SECOND OF RANKILBURN AND MURTHOCKSTON, *circa* 1320-1346. Killed in the battle of Durham, 1346.
- III.—ROBERT SCOTT, THIRD OF RANKILBURN AND MURTHOCKSTON, also of Kirkurd, *circa* 1346-1389.
- JOHN. In the pedigree, holograph of Sir Walter Scott, this John is said to be the ancestor of the Scotts of Sinton, Harden and Raeburn.
- IV.—SIR WALTER SCOTT, FOURTH OF RANKILBURN AND MURTHOCKSTON, also of Kirkurd. Received a Crown Charter of Kirkurd, 1389. Killed in the battle of Homildon, 1402.
- V.—ROBERT SCOTT, FIFTH OF RANKILBURN AND MURTHOCKSTON, also of Kirkurd. He exchanged the lands of Glenkery for Bellenden. 1402-1426.
- VI.—SIR WALTER SCOTT OF BUCCLEUCH, BRANXHOLM, AND KIRKURD. Exchanged Murthockston for Branxholm, etc., 23<sup>d</sup> July 1446. Married Margaret Cockburn of Henderland, county of Peebles. Died *circa* 1469.
- STEPHEN of Castlelaw.
- VII.—DAVID SCOTT OF BUCCLEUCH, BRANXHOLM, AND KIRKURD. Sat in Parliament as Dominus de Buccleuch, 1487. He died 1491. Buried in the Holy Cross Church, Peebles.
- JAMES of Kirkurd and Hassenden. Issue.
- ALEXANDER. Had issue Walter and Adam.
- WALTER, died young between 1465 and 1471, *s.p.*
- VIII.—DAVID SCOTT, married Lady Jane Douglas, daughter of George, Earl of Angus. He died before 1484.
- ROBERT of Allanhaugh, ancestor of Scotts of Scotstarvit.
- WILLIAM, living 1476, but apparently dead *s.p. ante* 1488.
- JANET, married Sir James Douglas of Drumlanrig. Issue.
- MARGARET, married James Haig of Bemersyde. Issue.
- married John Lindsay of Covington.
- IX.—SIR WALTER SCOTT OF BRANXHOLM AND BUCCLEUCH. Served heir in 1492. Married Elizabeth Kerr of Cessford, who was burned to death in the tower of Catslack on 19<sup>th</sup> October 1548. He died in 1504.

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<p>CHARLES, Earl of Doncaster, born 24th Aug. 1672. Died 9th Feb. 1673. Buried on 10th Feb. in most easterly vault of King Henry VII.'s Chapel in Westminster Abbey.</p>	<p>XVII.—JAMES EARL OF DALKEITH, born 23d May 1674. Married in 1693 Lady Henrietta Hyde, second daughter of Laurence first Earl of Rochester. Made K.T. 1704. Died 14th March 1705, in Albemarle Street, London, and was buried on 19th in vault at east end of King Henry VII.'s monument in Westminster Abbey. The Countess died on 30th May, was buried on 3d June 1730 in the Duke of Ormond's Vault there.</p>	<p>LORD HENRY, born 1676. Created Earl of Deloraine 29th March 1706. Died 25th Dec. 1730, and buried at Leadwell. Married—1st, in 1693, Anne, daughter of William Duncombe of Battlesden; 2ndly, Mary, daughter of Philip Howard, son of Thomas first Earl of Berkshire.</p> <p>LORD FRANCIS, born 1678, and buried in Westminster Abbey, 8th Dec. 1679.</p>	<p>LADY CHARLOTTE, born 23d Sept. 1692, died 27th May 1693. Buried in Westminster Abbey.</p> <p>LADY ANNE, born 17th Feb. 1675. Died 13th Aug. 1685 in the Tower of London. Buried privately in Monmouth's Vault in Westminster Abbey.</p>	<p>LORD GEORGE, born 23d Sept. 1692, died 27th May 1693. Buried in Westminster Abbey.</p> <p>LADY ISABELLA SCOTT, died 18th February 1749, in London, unmarried.</p>
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<p>XVIII.—FRANCIS, SECOND DUKE OF BUCCLEUCH, born 11th January 1695. Made K.T. 1724. Succeeded as Duke of Buccleuch, 6th February 1732. Married—1st, on 5th April 1720, Lady Jane Douglas, second daughter of James second Duke of Queensberry. Her Grace died 31st August 1729, and was buried in Dalkeith Aisle. Issue. 2ndly, in September 1744, at Mayfair Chapel, Alice Powell. No issue. Her Grace died 13th December 1765, and was buried at Wandsworth. He died 22d April 1751, and was buried in the Chapel at Eton College.</p>	<p>HON. CHARLES, born March 1700, died 4th April following. Buried in vault at east end of King Henry VII.'s monument in Westminster Abbey.</p>	<p>HON. JAMES, born 14th Jan. 1702 at the Cockpit, Whitehall. Died 25th Feb. 1719. Buried on 27th Feb. at east end of King Henry VII.'s Chapel in Westminster Abbey.</p>	<p>HON. HENRY, born 26th Nov. 1704. Died young, and unmarried.</p>	<p>LADY ANNE, born 1st April 1696, died 11th Oct. 1714, unmarried. August 1747, Buried in unmarri- ed, Duke of at Pall Mall. London. Buried in Westminster. Dalkeith Aisle.</p>	<p>LADY CHARLOTTE, born 30th April 1697, died 22d August 1747, unmarried. Buried in unmarri- ed, Duke of at Pall Mall. London. Buried in Westminster. Dalkeith Aisle.</p>
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<p>XIX.—FRANCIS, EARL OF DALKEITH, born 19th February 1721. Married in London, 2d October 1742, Lady Caroline Campbell, eldest daughter of John second Duke of Argyll and Greenwich. He died at Adderbury 1st April 1750, and was buried at Dalkeith. The Countess married—2ndly, at Adderbury, 15th August 1755, the Right Hon. Charles Townshend, and was created Baroness Greenwich in her own right in 1767. She died at Sudbrooke 11th January 1794, aged 76. Buried in the Argyll vault, King Henry VII.'s Chapel.</p>	<p>LORD CHARLES, born 14th February 1727. In 1746 he acquired the estate of Bowhill. He died 18th June 1747, unmarried, at Christ Church College, Oxford.</p>	<p>LADY JANE, born 3d April 1723, died 26th November 1779. Buried in Dalkeith Aisle.</p>	<p>LADY ANNE, born 13th November 1724, died 15th July 1737, at London. Buried at Hillingden, in Middlesex, where there is a monument to her memory.</p>	<p>LADY MARY, born 31st October 1725, died 29th May 1743. Buried at Hurley in Berkshire.</p>
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<p>JOHN, Lord Scott of Whitechester, born 14th January 1745, died 31st January 1749. Buried in Dalkeith Aisle.</p>	<p>XX.—HENRY, THIRD DUKE OF BUCCLEUCH, K.G. and K.T., born 13th Sept. 1745. Succeeded his grandfather 23d April 1751, and to the Dukedom of Queensberry 23d December 1810. Married, at Montagu House, 2d May 1767, Lady Elizabeth Montagu, only daughter of George fourth Earl of Cardigan afterwards created Duke of Montagu. He died at Dalkeith House 11th January 1812, and was buried in Dalkeith Aisle. Her Grace died at Richmond, 21st November 1827, and was buried at Warkton.</p>	<p>HON. CAMPBELL SCOTT, born 17th October 1747, died 18th October 1766, unmarried, at Paris. Buried in Dalkeith Aisle.</p> <p>HON. JAMES SCOTT, born 1st March 1748, died 15th January 1758, and buried in Dalkeith Aisle.</p>	<p>LADY CAROLINE, born 1st October 1743, died 10th December 1753, at Adderbury.</p>	<p>LADY FRANCES, born 26th July 1750. Married, 13th May 1753 (second wife), Archibald first Lord Douglas of Douglas. Died May 1817. Issue.</p>
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GEORGE, Earl of Dalkeith, born 25th March 1768, died 29th May following. Buried in Audley Chapel, near Grosvenor Square, London.

XXI. — CHARLES - WILLIAM - HENRY, FOURTH DUKE OF BUCCLEUCH and SIXTH DUKE OF QUEENSBERRY, K.T., born in London 24th May 1772. Married in London, 23d March 1795, Hon. Harriet Katherine Townshend, fourth daughter of Thomas first Viscount Sydney. He died at Lisbon, 20th April 1819, and was buried at Warkton. Her Grace died in Dalkeith House, 24th August 1814, and was buried at Warkton.

LORD MONTAGU.  
*Vide* page 560.

GEORGE HENRY, Lord Scott, born in Dalkeith House, 24 January 1798. Died in Montagu House while at Eton College, 1st March 1898, and was buried at Warkton, in Northamptonshire.

XXII. — WALTER-FRANCIS, PRESENT DUKE OF BUCCLEUCH AND QUEENSBERRY, K.G., D.C.L., LL.D., etc. Born in Dalkeith House 25th November 1806. Married at St. George's Church, Hanover Square, London, 13th August 1829, Lady Charlotte Anne Thynne, third daughter of Thomas second Marquis of Bath.

LORD JOHN DOUGLAS, born in Dalkeith House 13th July 1809. Married at Spottiswoode, 10th March 1836, Alicia-Anne, daughter of John Spottiswoode of Spottiswoode. He died at Cawston, 3d January 1860, and was buried at Dunchurch, *s.p.*

LADY ANNE ELIZABETH, born at Richmond, Surrey, 17th August 1796. Died unmarried at Leamington, 15th August 1844, and was buried at Warkton.

XXIII. — WILLIAM-HENRY-WALTER, EARL OF DALKEITH, K.T., born in Montagu House, 9th September 1831. Married at St. George's Church, Hanover Square, London, 22d November 1859, Lady Louisa-Jane Hamilton, third daughter of James first Duke of Abercorn, K.G.

LORD HENRY-JOHN.  
*Vide* page 558.

LORD WALTER-CHARLES.  
*Vide* page 559.

LORD FRANCIS, born in Dalkeith House, 15th January 1867. Died at Naples, 7th May 1839, and buried there.

XXIV. — WALTER-HENRY, LORD ESKDAILL, born in 37 Belgrave Square, London, 17th January 1861.

HON. JOHN-CHARLES, born in 3 Hamilton Place, London, 30th March 1864.

HON. GEORGE-WILLIAM, born in Bowhill House, 31st August 1866.



<sup>1</sup> LADY MARY, born in London, 21st May 1769. Died 21st April 1823. Married 29th January 1791 in London, James George, Viscount Stopford, afterwards third Earl of Courtown. Issue.

LADY ELIZABETH, born in London 10th October 1770. Died 29th June 1837. Married in Dalkeith House, 9th November 1798, Alexander tenth Earl of Home. Issue.

LADY CAROLINE, born in London 6th July 1774. Died 29th April 1854. Married at Richmond, 13th August 1803, Sir Charles Douglas of Kelhead, Bart., afterwards fifth Marquis of Queensberry. Issue.

LADY HARRIET, born in London, 1st December 1780. Died 18th April 1833. Married in Dalkeith House, 1st December 1806 (second wife), William Earl of Ancrum, afterwards sixth Marquis of Lothian. Issue.

<sup>b</sup> LADY CHARLOTTE-ALBINA, born in Dalkeith House 16th July 1799. Married in Montagu House, 4th July 1822, James Thomas, Viscount Stopford, afterwards fourth Earl of Courtown. Died in Rome and was buried there, 29th February 1823. Issue.

LADY ISABELLA MARY, born in Dalkeith House 24th October 1800. Married at Ditton Park, 9th October 1823, Hon. Peregrine Francis Cust. Died at Richmond, Surrey, 9th October 1829, and buried at Belton. Issue.

LADY KATHERINE FRANCES, born in Dalkeith House 4th December 1803. Died in London 6th June 1814, and buried at Warkton.

LADY MARGARET HARRIET, born in Dalkeith House 12th June 1811. Married at St. George's Church, Hanover Sq., London, 7th February 1832, Charles, Viscount Marsham, afterwards third Earl of Romney. Died at London 5th June 1846, and buried at Brompton. Issue.

LADY HARRIET JANET SARAH, born in Dalkeith House, 13th August 1814. Married at St. George's Church, Hanover Square, London, 24th March 1842, Rev. Edward Moore. Died 17th February 1870, and buried at Frittenden. Issue.

<sup>c</sup> LORD CHARLES-THOMAS, born in Montagu House, 28th October 1839. Captain R.N.

LADY VICTORIA-ALEXANDRINA, born in Dalkeith House, 20th November 1844. Married in Private Chapel, Dalkeith Park, 23d February 1865, Lord Schomberg-Henry Kerr, now ninth Marquis of Lothian. Issue.

LADY MARGARET-ELIZABETH, born in Dalkeith House, 10th October 1846. Married in Private Chapel, Dalkeith Park, 9th December 1873, Donald Cameron of Lochiel, M.P. Issue.

LADY MARY-CHARLOTTE, born in Dalkeith House, 6th Aug. 1851. Married in St. Andrew's Church, Well Street, London, on 24th July 1877, the Hon. Walter Rodolph Trefusis (Lieut.-Colonel, Scots Guards), third son of Charles Rodolph, nineteenth Baron Clinton.

<sup>d</sup> HON. HENRY-FRANCIS, born in Bowhill House, 15th January 1863.

HON. HERBERT-ANDREW, born in 3 Hamilton Place, London, 30th November 1872.

LADY KATHARINE-MARY, born in 3 Hamilton Place, London, 25th March 1875.

LADY CONSTANCE-ANNE, born in 3 Hamilton Place, London, 10th March 1877.



## LORD HENRY JOHN SCOTT, M.P.

SECOND SON OF HIS GRACE WALTER FRANCIS, DUKE OF BUCCLEUCH  
AND QUEENSBERRY, K.G.

LORD HENRY was born in Dalkeith House, 5th November 1832. He married, at Westminster Abbey, 1st August 1865, the Honourable Cecily Susan, second daughter of John, second Baron Wharnclyffe. Lord Henry was M.P. for Selkirkshire from 1861 to 1868, and he was elected M.P. for South Hampshire in 1868, which he still represents. Of his marriage the issue has been three sons and one daughter :

1. JOHN WALTER EDWARD,  
born in 3 Tilney Street,  
Park Lane, London, 10th  
June 1866.

2. ROBERT HENRY,  
born in 3 Tilney  
Street, 30th July  
1867.

3. JAMES FRANCIS, born in  
3 Tilney Street, 6th Februa-  
ry 1873, died at Hoburne,  
Christchurch, 2d March  
1874.

4. RACHEL CECILY,  
born in 3 Tilney  
Street, 15th July  
1868.



## LORD WALTER CHARLES SCOTT.

THIRD SON OF HIS GRACE WALTER FRANCIS, DUKE OF BUCCLEUCH  
AND QUEENSBERRY, K.G.

LORD WALTER was born in Dalkeith House, on 2d March 1834. He married, at the Parish Church, Sutton Coldfield, on 7th October 1858, Anna-Maria, fourth daughter of Sir William-Edmund Cradock Hartopp, Baronet, and has issue three sons and one daughter :

1. FRANCIS WALTER,  
born in 37 Belgrave  
Square, London, on  
5th March 1860.

2. CHARLES HENRY,  
born in 37 Belgrave  
Square, London, on  
16th June 1862.

3. WALTER GEORGE  
LEON, born in Mon-  
tagu House, White-  
hall, on 12th October  
1870.

4. EVELYN MARY,  
born in 37 Bel-  
grave Square,  
London, on 4th  
August 1865.



## HENRY JAMES MONTAGU,

BARON MONTAGU OF BOUGHTON, IN THE COUNTY OF NORTHAMPTON,  
SECOND SURVIVING SON OF HENRY DUKE OF BUCCLEUCH.

HE was born in London, 16th December 1776, and succeeded to the Barony of Montagu on the demise of his grandfather, George Duke of Montagu. He married, in Dalkeith House, 22d November 1804, the Honourable Jane Margaret Douglas, eldest daughter of Archibald first Lord Douglas of Douglas, by his first marriage with Lady Lucy Graham, daughter of William second Duke of Montrose. Lord Montagu died in London, on 30th October 1845, and was buried at Stoke Poges, Bucks. Lady Montagu died at Ditton Park, on 10th January 1859, and was buried beside her husband. They had issue :

LUCY ELIZABETH MONTAGU. Married, 4th December 1832, Cospatrick-Alexander Home, Lord Dunglass, afterwards Earl of Home, and had six sons and three daughters. The Countess of Home died on 15th May 1877, and was succeeded in the Douglas estates by her eldest son, now

MARY MARGARET MONTAGU. Married in 1840 to Lieut.-Colonel Frederick Clinton, and has issue.

JANE CAROLINE MONTAGU, died unmarried, 16th June 1846.

CAROLINE GEORGIANA MONTAGU. Married, in 1836, George William Hope of Luffness, and has issue.

CHARLES ALEXANDER HOME DOUGLAS OF DOUGLAS, LORD DUNGLASS, born 11th April 1834. Married, 18th August 1870, Maria, only daughter of Captain Charles-Conrad Grey, R.N., and has issue.



## No. II.

## PEDIGREE OF THE SCOTTS OF BUCCLEUCH.

THE ORIGINAL HOLOGRAPH OF SIR WALTER SCOTT, BART., OF ABBOTSFORD.

## UCHTRED FITZ SCOTT,

Or FILIUS SCOTT, who flourish'd at the Court of King David I., and was witness to two charters granted by him to the Abbays of Holyroodhouse and Selkirk, dated in the years 1128 and 1130. It is, however, believed that from the days of Kenneth III., the barony of Scotstoun, in Peebles Shire, had been possess'd by the ancestors of this Uchtred, who being descended from Galwegian forefathers were call'd Scots, Galloway being then inhabited by the clan to whom that name properly belonged. See Pinkerton on Scottish Antiquities, and Innes on the Ancient Inhabitants of Scotland.

## RICHARD SCOTT,

Who witness'd a charter granted by the Bishop of St. Andrews to the Abbey of Holyroodhouse about the year 1153. He had two sons.

## I. RICHARD,

Who married Alicia, daughter of Henry de Molla, with whom he received lands in Roxburghshire in the reign of Alexander the 1<sup>st</sup>.

## II. SIR MICHAEL,

Who acquired property in Fife, and from whom the Scotts of Balweary and Ancram are descended.

## WILLIAM,

Who attended the Court of Alexander 2<sup>nd</sup>., and is witness among other nobles to several of his charters.

## SIR RICHARD,

Married the daughter and heiress of Murthockstone of that ilk, and succeeded to the property of his father-in-law in Lanarkshire. He died about 1320.

## SIR MICHAEL of Murthockstone,

A gallant warrior—he was slain fighting valiantly against the English at the battle of Durham, 1346. He left two sons, the eldest of whom carried on the family; the second was ancestor of the Scotts of Harden.

## I. SIR ROBERT of Murthockstone.

He bore in his arms the bend assumed by Sir Michael as descendant and representative of Murthockstone.

## II. JOHN,

Who being of an infirm habit of body was sent to Glasgow to his studies, being designed for the Church; but he disappointed the views of his friends by marrying a lady of that city. He retained the ancient arms, without the bend of Murthockstone. [Vide *Pedigree of Scotts of Sinton*, page 563.]

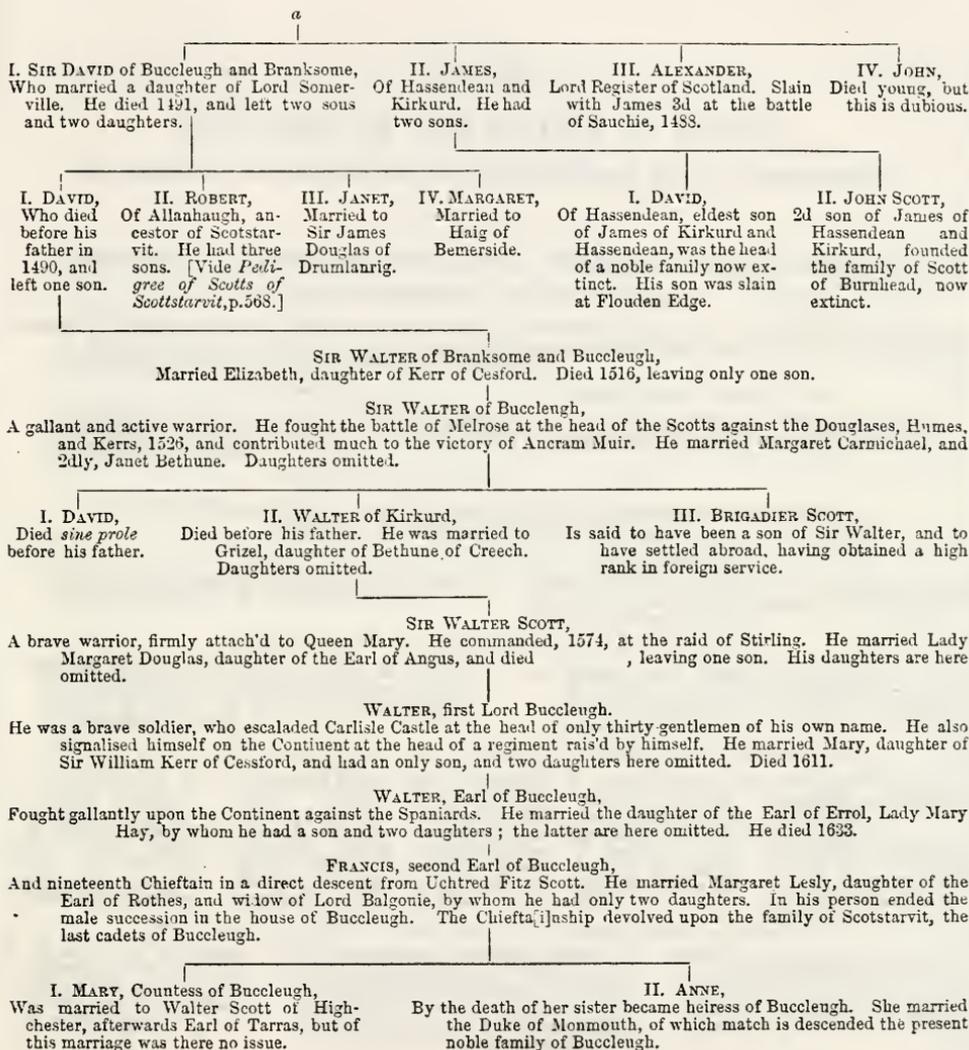
SIR WALTER of Murthockstone,  
Slain at Homildoun, 1402.SIR ROBERT of Murthockstone,  
Who had three sons. He died 1425.

## I. SIR WALTER.

He exchanged the lands of Murthockstone for those of Branxholme, etc., in Roxburghshire. It may, however, be noticed that Rankelburn and Buccleugh seem to have been some generations in possession of the family previous to this exchange in 1445. He married a daughter of Cockburn of Henderland, and had three sons.

II. ROBERT of Haining,  
Whose descendants are  
now extinct.III. WILLIAM.  
Died *sine prole*.







## No. III.

## PEDIGREE OF THE SCOTTS OF SINTON.

THE ORIGINAL HOLOGRAPH OF SIR WALTER SCOTT, BART., OF ABBOTSFORD.

JOHN [second son of Sir Michael Scott of Murthockstone. Vide *Pedigree of Scotts of Buccleuch*, p. 561.]

JOHN, Chamberlain to the Archbishop of Glasgow.

WALTER, from his fell and active temper and diminutive size, called Walter the Ratton. He return'd to the south of Scotland, from which his family had been absent two generations, and became the first Laird of Synton. He married a daughter of Shortreed of Headshaw. Four sons.

- I. GEORGE, 2d Laird of Synton, married a daughter of Turnbull of Falshope. Two sons.  
 II. JOHN of Headshaw, a family now extinct.  
 III. WALTER of Askirk, a family now extinct.  
 IV. WILLIAM of Glack, a family now extinct.

WALTER, 3d Laird of Synton, married a daughter of Scott of Hassendean, by whom he had two sons. He flourished in the reign of James II.

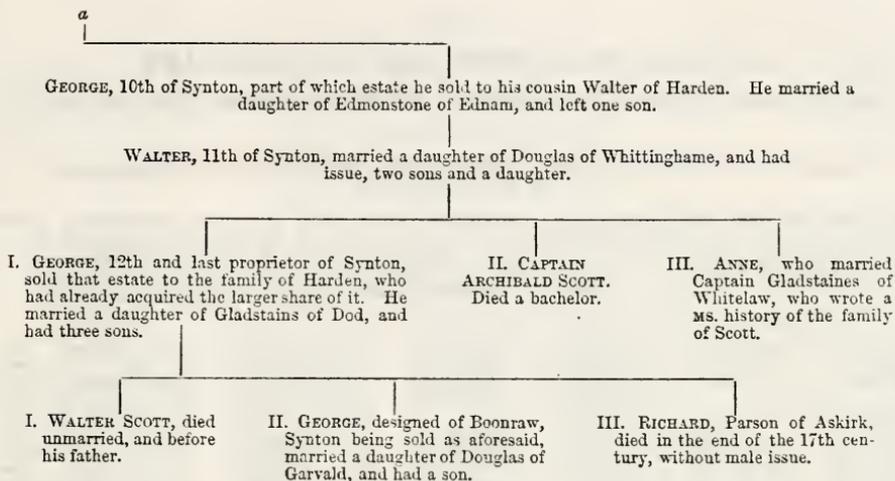
- I. JOHN, married a daughter of Riddell of Riddell, but died without issue. He was 5th of Synton.  
 II. WALTER, 6th of Synton, married a daughter of Johnston of Johnston, and left two sons. He died in the beginning of James 3d reign.

- I. WALTER, 7th of Synton, succeeded 1487. He married, 1st, a daughter of Cockburn of Henderland; 2dly, a daughter of Riddel. He had 1 son by the first, and 4 by the second marriage.  
 II. THOMAS, said in Douglas's Baronage to have been the ancestor of the Scotts of Whitlade, but they deduce themselves from Robert of Stirkschaws, after mention'd.

- I. WALTER, 8th of Synton, married a daughter of Riddel of Riddel, sister to his father's second wife, but died *sine prole*, and was succeeded by his nephew.  
 II. ROBERT of Strickshaws, flourish'd in the reign of James 5, and distinguish'd himself at the battle of Melrose. He left three sons.  
 III. WILLIAM SCOTT of Huntly, a family the descendants of which are now extinct. He was called Willy III to Had.  
 IV. JAMES SCOTT of Satchels, predecessor of Walter Scott of Satchels, who wrote a metrical genealogy of the family of Scott. Now extinct.  
 V. THOMAS SCOTT of Whitehaughbrae, whose family is now extinct.  
 Besides these five sons, Walter 7th of Synton had 8 daughters, all married to landed proprietors.

- I. WALTER, 9th of Synton, succeeded to his uncle Walter, and left one son. This Walter was call'd Watty Burn the Braes.  
 II. WILLIAM SCOTT, first Laird of Hardin, a fierce and gallant warrior. He was called Willy with the Bolt Foot, from a lameness arising from a wound in battle. He married a daughter of Ker of Fairmyhrst. [Vide *Pedigree of Scotts of Harden*, p. 565.]  
 III. WALTER, born after the death of his elder brother, Walter of Synton, was said to be progenitor of the family of Whitlade, but this is dubious.





ARCHIBALD of Boonraw, last heir-male of the house of Synton in the direct line. He executed a deed recognising Sir William Scott of Harden as the lineal representative of Synton, failing him and his heirs. It is dated [27th November 1700], and registered in the Herald's Office [5th February 1820]. Sir William's connection may be easily traced by recurring to Robert of Strickshaws, son of the 7th Laird of Synton.



## No. IV.

## PEDIGREE OF THE SCOTTS OF HARDEN.

THE ORIGINAL HOLOGRAPH OF SIR WALTER SCOTT, BART., OF ABBOTSFORD.

WILLIAM SCOTT, first Laird of Hardin [second son of Walter Scott, eighth of Sinton.—Vide *Pedigree of Scotts of Sinton*, page 563.]

WALTER, 11d of Hardin, called Auld Wat. He was remarkable for courage and military accomplishments, as well as for prudence and sagacity. His life was spent in that predatory war which subsisted on the Borders till the accession of James 6th to the Crown of England. He married, 1st, Mary, daughter of John Scott of Dryhope, by whom he had 4 sons and 6 daughters; 2dly, the daughter of ——— Edgar of Widdierlie, and widow of Spottiswood of that ilk, by whom he had one daughter. Died 1629.

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|--|---|--|---|--|--|
| I. SIR WILLIAM, third Baron of Harden, a man of abilities, and a favourite with James 6th. He married, 1st, Agnes, daughter of Sir Gideon Murray of Ellbank, and had five sons and three daughters; 2dly, Margaret, daughter of Kerr of Linton, of which last match there was no issue. Died 1655. | II. WALTER, married a daughter of Hay of Haystoun. He was killed at a fray at a hunting party by the Scotts of Gilmarscleugh. His father obtained a gift of the murderer's escheat, which occasioned a bloody feud. | III. HUGH of Gala, progenitor of that family.                                  | V. MARGARET, married to Elliot of Stobs, called <i>Gibby</i> with the <i>Golden Garters</i> . | VII. ——— married to Geddes of Kirkurd.   | IX. ——— married to Porteous of Headshaw. |
|  | IV. FRANCIS of Synton, to whom his father conveyed that ancient inheritance. He is ancestor of the modern Synton.   | VI. ESTHER, married to Elliot of Falnash, afterwards to Langlands of that ilk. | VIII. ——— married to Scott of Tushielaw, who was call'd the King of the Border.               | X. MARGARET, of Auld Wat's second marriage, married, first, Pringle of Galashiels, and then Sir William MacDougal of Makerstoun. |  |

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|--|--|---|---|--|--|--|--|
| I. SIR WILLIAM, called Little Sir William, fourth Baron of Harden. He became male representative of the house of Synton on the death of Archibald of Bonraw. Married a daughter of Lord Boyd, and left two sons and two daughters. | II. SIR GIDEON of Highchester, whose posterity carried on the line of the family. He married Margaret, daughter of Sir Thomas Hamilton of Preston, and had two sons and 3 daughters. | III. WALTER of Raeburn, called Wat Wudspurs or Hotspurs. He married<br><br>and left a son and daughter. [Vide <i>Pedigree of Scotts of Raeburn</i> , page 567.] | IV. JAMES of Thirlestaine, a family which has now drop'd the title of Scott of Thirlestaine for that of Kerr of Chatto. | V. JOHN of Woll, married Agnes, daughter of Scott of Harwood. From him the family of Woll are descended. | VI. ELIZABETH, married Andrew Kerr, Esq. of Greenhead. | VII. MARGARET, married to Thomas Kerr of Mersington. | VIII. JANET, married to John, son of Sir John Murray of Philiphaugh. |
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|--|---|--|--|---|---|---------------------------------|
| I. SIR WILLIAM, fifth Baron of Harden. He was engaged in Argyle's rebellion, but obtained a remission, 12 December 1635. He married Jean, daughter of Sir John Nisbet of Dirleton, but had no issue. He died 1707, and was succeeded by his brother. | II. ROBERT of Histon, succeeded to his brother Sir William, and became the sixth Baron of Harden. He died 1710, without issue, and in him ended the descendants of Little Sir William. He was succeeded by his cousin, Walter of Highchester. | I. WALTER, son of Sir Gideon of Harden and Highchester, was created Earl of Tarras, but the honours did not descend to his posterity. He was the nineteenth in a direct male line from Uchtred Fitz Scott. He married Mary, Countess of Buccleugh, who had no issue; afterwards Helen, daughter of Hepburn of Humbie, who had issue. He died 1693. | II. FRANCIS, 2d son of Sir Gideon, died unmarried. | III. AGNES, married Riddell of Riddell. | IV. MARGARET, married Corbet of Tolcross. | V. ——— married Grant of Dalvey. |
|--|---|--|--|---|---|---------------------------------|



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I. GIDEON of Highchester, married a daughter of Kinloch of Gilmerton, but had no issue; 2dly, he married Lady Mary Drummond, daughter of the Earl of Melfort, and had issue. He died 1707, leaving two sons and 1 daughter.

II. WALTER, took up the estate of Harden after the death of his nephew John. He was the 9th Baron of Harden. He married, 1st, Agnes, daughter of Nisbet of Bewlie; 2d, Agnes, daughter of Sir William Scott of Thirlstane, by whom he had one daughter; 3dly, Anne, daughter of Scott of Gorriberrie, by whom he had issue; 4thly, Christian, daughter of Kerr of Graden.

III. THOMAS, who died in France, without issue.

V. LADY AGNES.

VI. LADY MARGARET.

IV. LADY HELEN.

I. MARY, II. WALTER, viith Baron of Harden. He succeeded to that estate upon the death of Robert of Histon, 2d son of the second Sir William, by which event the estate came to the line of Highchester. He died unmarried at Nancy, in Lorrain, anno 1719.

III. JOHN, viith Baron of Harden, succeeded to his brother Walter. He married Lady Jean Erskine, by whom he had two daughters, so the estate reverted to his uncle Walter at his death, in 1734.

I. WALTER, xth Baron of Harden, married Lady Diana Home, daughter of Hugh, third Earl of Marchmont. He became chief of the name of Scott on the extinction of the male line of Scotstarvit, there being no existing male descendants of Buccleugh since the time of Sir Michael, ancestor of the house of Synton and Harden. He died January 1793. Left issue.

II. FRANCIS III. CHRIS- V. HELEN, SCOTT, Esq., TIAN, daughter married to Mary, daughter of Sir Alexander Don Harden, by Brown Bart., of New- his 2d of ton, her name marriage. Mary, by whom he has issue, seven sons and two daughters. Died August 1803.<sup>1</sup>

IV. JANE, VI. ANNE, unmarried. unmar-ried.

I. ANNE, married to Sharp of Houstoun, had issue.

HUGH SCOTT, xith Baron of Harden, representative of the family of Synton, and xxist from Uchtred Fitz Scott in the lineal male descent. By failure of the descendants of Sir Robert of Murthockstone, the chieftainship of all the Scotts in Scotland devolves upon this gentleman, as representing John, younger brother of Sir Robert, both being sons of the gallant Sir Michael. He married Harriet Brühl, daughter of Hans Maurice Count Brühl of Martinskirchen, in Saxony, and of Alice Maria, Countess Dowager of Egremont, daughter of George Lord Carpenter, and maid of honour to the Princess of Wales at her Royal Highness's marriage. They have issue.

ANNE SCOTT.

I. WALTER. IV. ALEX- VII. HUGH. ANDER.

II. MARY. V. FRANCIS, VIII. JOHN. died

III. ANNE, young. IX. WILLIAM. died unmarried. VI. CHARLES. 1797.

1. CHARLES WALTER SCOTT, their heir-apparent, born 1st August 1796, [died young.]<sup>2</sup>

2. HARRIET DIANA, born 4th June 1797, [died unmarried.]

3. MARIA ANNABELL, born 9th June 1798, [married to Captain George B. Lewis of the Royal Engineers.]

4. HENRY FRANCIS, born 1st January 1800, [married, November 1835, Georgina, third daughter of George Baillie, Esq. of Jerviswood and Mellerstain.]

5. WILLIAM HUGH, born 11th May 1801 [married Eleanor Sophia, daughter of the Rev. Charles Baillie Hamilton.]

6. ELIZABETH ANNE, born 23 January 1803, [married, 1835, Colonel Charles Wyndham.]

7. GEORGE WILLIAM, born 11th August 1804, [Rector of Kinterbiers, died in 1830.]

8. FRANCIS, born 31st January 1806, [married, Laurie Julia Boulbtie.]

9. ANNE, born 3d March 1808, [married, Charles Baillie, Esquire, Advocate.]

[DIANA ALICIA, born 29th September 1836.]

<sup>1</sup> "Died," etc., in later hand.

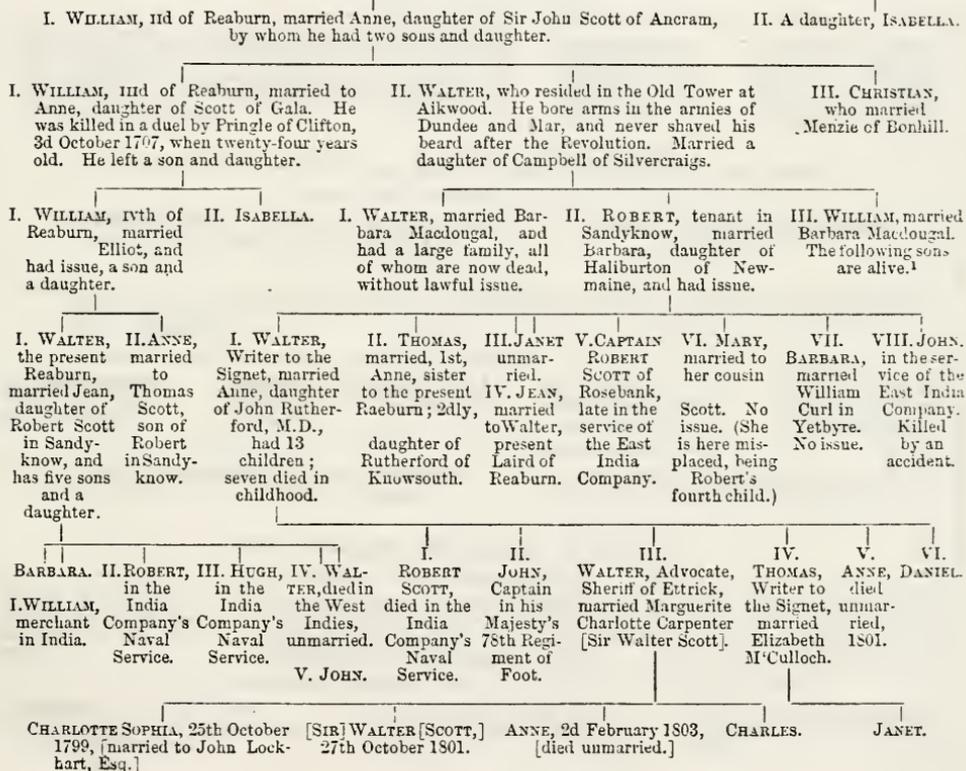
<sup>2</sup> The words within brackets on this and following pages are not in the original Pedigree, but have been added in a copy of it subsequently made.



## No. V.

## PEDIGREE OF THE SCOTTS OF RAEBURN.

THE ORIGINAL HOLOGRAPH OF SIR WALTER SCOTT, BART., OF ABBOTSFORD.

WALTER of Raeburn [third son of Sir William, third Baron of Harden.—Vide *Pedigree of Scotts of Harden*, p. 565.]<sup>1</sup> None are given in the Pedigree.



## No. VI.

## PEDIGREE OF THE SCOTTS OF SCOTTSTARVIT.

THE ORIGINAL HOLOGRAPH OF SIR WALTER SCOTT, BART., OF ABBOTSFORD.

ROBERT, of Allanhaugh, [second son of Sir David Scott of Buccleugh, who died A.D. 1491.—Vide *Pedigree of Scotts of Buccleugh*, p. 562.]

- I. ROBERT, of Allanhaugh, whose family subsisted for two generations, when the lands being destined to two brothers, the elder was slain by the younger for the sake of the succession. The then Lord of Buccleugh executed the murderer, and confiscated the property.
- II. SIR ALEXANDER, Vice-Register of Scotland. He died, 1540, leaving one son.
- III. JAMES, Provost of Corstorphine, where his house is yet standing. He was a Churchman and Lord of Session.

ROBERT SCOTT, Director of Chancery. Acquired the lands of Knightspottie. Had two sons.

- I. ROBERT SCOTT, Director of Chancery and Laird of Knightspottie. Died before his father, but left a son.
- II. JAMES, of Vogrie, whose descendants are now extinct.

SIR JOHN, of Scotstarvit, who became heir-male of the family of Buccleugh by the demise of Earl Francis without male issue. He was an able Statesman, and author of the "Staggering State of Scots Statesmen." He had four sons.

- I. SIR JAMES, who died before his father, leaving two sons.
- II. SIR JOHN, of Gibleston. He had a large family of daughters, but no sons.
- III. GEORGE, of Pitlochrie, of whom there is no succession.
- IV. WALTER, of Edenside, of whom there is no succession.

- I. JAMES, succeeded his grandfather, Sir John, but died without issue, and the succession devolved on his brother.
- II. DAVID, of Scotstarvit, succeeded to his brother James, and died, 1718, leaving one son.

DAVID, of Scotstarvit, Advocate, M.P. He left two sons.

- I. DAVID, of Scotstarvit, who died unmarried. On his death the male line ended.
- II. GENERAL JOHN SCOTT, died leaving three daughters, but no issue male. The Chieftanship, which had been in the family of Scotstarvit since the failure of the male line of Buccleugh, now reverted to the family of Harden, as representing the second son of Sir Michael of Murthockstone.

- I. [HENRIETTA] married the Most Noble the Marquis of Titchfield, eldest son of the Duke of Portland.
- II. LUCY, married Lord Doune, son to the Earl of Moray. Died *sine prole*.
- III. JOAN, married Right Honourable George Canning, Esquire, M.P.

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