CHAPTER III

SOME REFLECTIONS ON THE INCONTINENCE OF KINGS

Treating of the redness of the blood; the fortunes of William, seventh Earl of Menteith; of the incontinence of a king, and other things; the slaughter of Lord Kilpont; and how the body of Stewart of Ardvoirlich was "shoughed" at the Point of Coilmore.

THE misfortunes which from the beginning of their history had always pursued the holders of the title of Menteith, so thickened in the reign of Charles I. that they eventually overwhelmed the earls entirely.

In countries like England and Scotland, where there is no idea of abstract dignity or essential worth in any one who does not keep a carriage, the position of a poor peer has always been most painful. Many a bill for a suit of armour from Milan, or an overdue account from Toledo for swords, must have disturbed the slumbers of the Earls of Menteith from the days of David Earl of Stratherne downwards.

Still they were a cheerful as well as an unfortunate race, not apparently humourists, but of a sanguine temperament. When they were exiled, or forfeited, or forced to attend parliaments, or scour the country in pursuit of "phanatickes" or "Hielande rogues," it was all one to them; they relied on their descent from a royal prince, and fought manfully against the dreary climate of their native land and the assaults of their own and the king's enemies.

At the age of forty-eight we find William, eighth Earl of Menteith, writing to the Marquis of Montrose from the "Yle of Menteith," under date of 4th January, 1680, "Ther is nothing on earth I love so well as to be in a just war for my King and Prince."

A mighty pretty sentiment, and one that does his lordship's loyalty much credit. Most of us even now would like to be engaged in a just war (if we could be sure of one) for our king and prince, especially if these last were subjected to danger, or sufficiently interesting to raise enthusiasm. The expression of the wish was natural enough in one whose grandfather had boasted that his blood was redder than the king's, and who only wanted a sharp sword, as a contemporary nobleman observed, to make his boast a valid one. Sharp swords (and even axes) have often been excellent instruments of service. as the king in question, Charles the Martyr, was destined to discover. To have blood redder than a king's, that is genealogically, not chemically, is of itself a capital crime; but that it was a fact appears extremely likely.

It is with considerable pain that I have to refer to anything that might in any way seem to be an aspersion on the morality of one of our Scottish kings. Personal morality has always been the strong point of our Scottish Sovereigns. It is hinted amongst those not of the blood royal, that personal chastity—the "Lacha ye trupos," as the gipsies call it—is not so keenly valued as Captain Cook found it to be in the Marquesas Islands, but this a prudent writer may well leave to the attention of statesmen. Hence a sin (if it was a sin) committed so long ago is well-nigh purified by the lapse of ages. It may be subject for debate if indeed any sin, when or how committed, is so great as that of him who comments on and by that means spreads it.

Robert II., the first prince of the house of Stewart, succeeded to the throne of Scotland in 1371. Had it not been for the bad example set by him, Scotland might still have been a moral nation. It is related of him that previous to his accession he bore the title of Earl of Stratherne, given to him by his uncle, David II.

In early life the miserable Robert had formed a connection (so the historians describe his horrid action) with Elizabeth, daughter of Sir Allan Muir of Rowallan, by whom he had John, afterwards Robert III., Robert Duke of Albany and Earl of Fife and Menteith, and Alexander Lord of Badenoch. In 1347 he obtained a Papal dispensation for his marriage with the said Elizabeth, which marriage, says Fordun (an arch-liar on occasion), took place in 1349. By this it will be observed how relatively milder the superstition of the Seven Hills was, at least in 1349, than the tyranny of Geneva became under the inquisitors Calvin and Knox. Had the superstition of either of these last-named worthies been in force, the poor king had assuredly done penance in the face of some congregation of his loyal subjects.

Not content with what had passed, in 1356 the king married Euphemia, daughter of the Earl of Ross. As he again obtained a Papal dispensation for his rash act, he would seem to have been incorrigible. Willingly I would draw a veil over him and his papally dispensed wives, but the duties of a historian are to be impartial—that is to say, impartial to the failings of kings. As to their virtues, they demand to be more carefully distorted before the public can bear to look on them. From this second marriage (or connection) there were two sons, David and Walter. Walter disappears in the obscurity of the earldom of Caithness and dukedom of Atholl. David, afterwards Earl of Stratherne, was the progenitor of the Earls of Menteith. Buchanan, a despicable fellow, in spite of his latinity, with Bower and Boethius, asserts that Robert III. and the other children of Elizabeth Muir were not only born before marriage, but that the marriage of their parents did not take place till the death of Euphemia Ross.

This raises the curious point for theologians, that whereas the Pope had given already one dispensation, if he gave a second in the lifetime of the first wife, either he was not infallible or that in this particular case he was infallible, but did not choose to exercise infallibility. The impression, however, that the children of Elizabeth Muir, from whom the Stewarts were descended, were illegitimate, existed strongly in Scotland even to the time of Charles I., and hence the unlucky boast of the Earl of Menteith about the redness of his blood induced the ruin of his family. Nowadays, if we were certain that all the Stewarts had been illegitimate from the fourteenth century, it would only be another title to our esteem and affection. In those times people thought differently, and to Charles the Martyr the idea must have been peculiarly repellent. As kingship was a matter of divine right, it will be readily perceived that to stand for several hundred years between the Deity and His Anointed was a thing not to be lightly contemplated by men of tender conscience.

Comparatively uninteresting persons the Earls of Menteith seem to have been up to the birth of William the seventh earl—that is to say those of the name of Graham.

They were born with unfailing regularity, were returned heirs of their fathers at the proper time, married, hunted, fished, administered injustice after their kind, and died, and their place knew them no more. From Malise Graham, in 1427, through Alexander, William, John, to William the seventh earl, Johns and Williams succeeded one another as passively as keys upon a plane-tree in the recurring autumns of its existence. Some of them attended parliaments and courts, but their most frequent occupation (at least that has come down to us) was the signing and witnessing of charters. In this latter occupation they seem to have at least equalled in diligence other noblemen of their time and standing. True it is that William, the third Earl, contrived to get himself killed in 1543 by the Tutor of Appin. It still remains a moot point as to whether the credit of the action is to be put down to the slayer or the slain. Jamieson's portrait of the seventh Earl shows us a man of a different stamp. Long hair, small ruff, with quilted doublet and pointed beard, he looks the type of the novelist's "unlucky nobleman." One divines at once that such a man, however red his blood, never was made for success; he looks too honourable. If, as the proverb says, profit and honour go not in one bag, the like may be extended to success. Whether painted by Jamieson, Titian, or Velasquez, the successful man proclaims himself in spite of the artist. Not that Velasquez ever softened the acerbities of success, or left out a single mean line or a wrinkle even of the features of a king. Still success, like drink, is sure to mar a face. The price that is paid for it is sure to leave its mark.

It appears the seventh Earl was born in 1589. The author of the "Red Book of Menteith" remarks that "from comparative obscurity he rose with great rapidity to be the most influential nobleman in his country." His fall, however, was even more rapid. Had he been but an ordinary successful courtling of the Villiers stamp, perhaps he would have been as utterly uninteresting as many of the favourites of the pious but mendacious Charles. Early in life we find him inspecting his charter-chests in the Isle of Talla, and noting down, amongst other things, "that the original chartar of the erldome of Mentheith with tua ither greit evidentis, are in ane litell coffer bandet with brass."

This seems a curious statement, as modern writers on the subject are agreed that the original charter of the earldom of Menteith never existed, or that, if it did, it was destroyed at a period anterior to that at which the Earl is of opinion that he saw it. In cases such as these, the modern writer, with his modern instances, is sure to be more worthy of belief than the mediæval chronicler. For, strange as it may appear, it is almost always proved to demonstration that when a personage in history sets down that he has seen a certain thing, your modern commentator is always sure to prove the thing was never within the range of the ancient's vision. At times a doubt arises whether any one who was born before the present century was not an idiot. Be that as it may, it is a dangerous thing for noblemen who lack advancement to pore too much on ancient documents. Your ancient document, with its crabbed characters, its crumpled edges, soft yellow paper or parchment, and its ponderous seal, is always so explicit. It seems to say so much and says so little, just like your modern politician. Poring upon his charters, Earl William took it into his head to redeem his family estates, which kings and others had filched away from him. So in 1619 he redeemed the lands of Dunmore from Grissel Stirling, in 1624 the lands of Rednock, and so on. So far so good. It is a commendable enough thing for a nobleman to do to extend his boundaries at his neighbours' expense.

In 1621 he was appointed justiciar over Menteith. Theft, reset of theft, and pykrie were most common at the time in the district. In more modern times, pykrie is rarer, but still exists.* Again we find him incidentally mentioned by James I. in a letter to the Earl of Mar, in which his Majesty bespeaks "some of those dogges they calle terrieres, and in Scotlande earth dogges." It appears the Earl of Menteith was the possessor of some, "whiche are bothe stoute, good for killers, and will stay longe in the grunde." Little by little he became a Privy Councillor, and a Commissioner of the Exchequer, and Justice General of Scotland. It is not set down if in his office he continued to pursue "reset of theft and pykrie," but probably not, as pykrie, if I apprehend the matter rightly, is sometimes to be observed even in Privy Councillors.

In 1628 he received a yearly pension of £500. In those days pensions were cheaper to the nation than at present, for they were rarely paid when granted; a very commendable practice. The unpaid pension is a burden that a nation can stand to the tune of millions. No one is hurt except the hypothetical receiver, and he, if he has really performed a public service, is only paid in the same coin by the public as he would be paid in private by those he had obliged. In poor Earl William's case the pension was an especially barren honour, as it seems he had expended at least £500 in providing robes for the judges of the circuit courts at his own expense. Not contented with searching his "littel brass-banded coffer" in the Isle of Talla, the Earl must needs go and search the national archives. In these, in 1629, he found the documents which caused his ruin. Most modest-minded men—and Scotsmen are proverbially modest—will shrink from making public the frailties of a Scottish king, even though the frailties had been committed ages ago.

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* Writers on legal matters leave us in some doubt as to the nature of "pykrie," but the balance of their opinion seems to suggest the supposition that it was a method of conveyancing.

Earl William must needs obtain two charters of Robert II. of the earldom of Stratherne to his son David. Now, as we know that this same Robert was the very king who could never marry a wife without a Papal dispensation, the importance of that action at once appears. If William Earl of Menteith was really the heir of David Earl of Stratherne, and if the mother of the said Earl was the only lawful wife of the King (Robert II.), it was at once patent that William also should have been the King of England in place of Charles, who really was an interloper. Perish the thought; up to that time no one had called the title of King Charles in question.

Indeed it was not politic to do so, Charles was a man so eminently kingly. Who sat so well and quietly to Vandyke? Who rode more stately on a cream-coloured horse from Naples or from Cordoba? Who looked so melancholy? Who lied so circumstantially, or worshipped God more piously, than Charles, in the three kingdoms? Under these circumstances it would have been worse than a crime, almost, in fact, an error in good breeding, to supplant him. It is not alleged in any of the kingly attributes set down above that William, seventh Earl of Menteith, surpassed the King. It is not, indeed, apparent that he wished to supplant him in anything. In fact, his conduct proves him to the last a loyal courtier. It may be that his blood was redder than the King's; but even if it was, another Papal dispensation would doubtless have reinstated matters (and molecules) in their proper position. The search for papers in the "Yle of Menteith," and subsequent search in the national register, resulted in the Earl laying claim to the earldom of Stratherne, which had been taken from Malise Graham, first Earl of Menteith, by James I. The Earl, as direct heir-male of the Countess Euphemia of Stratherne, who married Sir Patrick Graham of Kincardine, without doubt was rightful claimant to the title of Stratherne. Sir Thomas Hope, the King's Advocate, advised him to place a renunciation of the lands of Stratherne in the King's hands, which he did. After the usual legal formalities customary in such cases, the King was graciously pleased to accept of the lands of Stratherne, which did not apparently belong to the Earl. But when were kings, or any son of man, averse to graciously accepting that which cost them nothing? In return, the King granted a sum of £3000 to be paid to the Earl. Needless to say, he never got a penny of it, and both the King's conscience and the national exchequer were salved and comforted. In July, 1631, the King by patent ratified and approved to the Earl the title of Earl of Stratherne. Other grants of money were also adjudged to him; but payment did not wait on adjudication. Later on he obtained the lands of Airth, and reached the culminating point of his short-lived prosperity. At this time he was the first nobleman in Scotland, rich in honours and in hypothetical grants of money.

But, as not unfrequently happens, a lawyer was the cause of his downfall. Sir John Scot of Scotstarvet, director of Chancery, and author of the pamphlet, "The Staggering Ystate of Scots Statesmen," was the instrument. Either in the account he presented for services in the claim to the title of Stratherne his costs had been taxed, or the Earl had objected to paying for letters the Director of Chancery had never written, or something of a like nature had occurred. Anyhow, from a friend he became a bitter enemy. We find him, with the Earls of Tullibardine and Seaforth, preparing a memorial to the King, which contained six reasons why the Earl of Menteith should not be allowed to remain also Earl of Stratherne.

All, of course, was grist to Scotstarvet's mill. Whether he prepared memorials for or against the Earl, he was always paid to draw them up. The reasons were certainly ingenious, notably the first, which referred vaguely to the Papal dispensations, and suggested that in case of public commotion the descendants of Euphemia Ross might claim the crown. Of course people exist foolish enough to claim crowns; but Sir John Scot overlooked the fact that Charles, as head of the Church, was as capable as a pope to issue a dispensation declaring himself legitimately descended from whoever he chose, and also the worthy Director of Chancery omitted to inquire into the descent of the brewer of Huntingdon, a claimant to the crown more to be feared than all the nobility of Scotland.

The six suggestions having revived the sleeping jealousy which lies at most men's hearts, and most of all at the hearts of kings, the usual commission of inquiry, composed chiefly of accusers, was instituted to examine into the matter. Even in the stupid farce called Justice that we to-day are so familiar with, such buffoonery would not be tolerated as that which seems to have taken place. Question and answer, as in a modern conversation-book, was the form the clowning took.

That staggering statesman, Scot of Scotstarvet, after several conundrums, proposed the following masterpiece of legal cynicism :

"Is it not boldness that the said Earle should have served himself heir of blood to David, Earl of Stratherne, eldest lawfull son of the first marriage to King Robert II., whereby he is put in degree of blood equall to his Majestie? It is answered in our judgment, the boldness seems too great."

The King is said to have complained he never could love a man without some one pulling him from his arms. This from the beginning has been the pathetic fate of kings, that they could never have a friend; but even a king need hardly have been moved to give up a friend by foolery of the calibre of the questions of Scot of Scotstarvet. On the top of this Sir Robert Dalyell reported to the king that the Earl had said "he had the reddest blood in Scotland." Prince Rupert was a chemist, and could have reported (after phlebotomy) scientifically upon the matter.

However, this course seems to have been neglected, and the unlucky Earl was stripped of all his dignities, ruined in estate, confined to a castle in the North, and, worst of all, a pantomimic title, the earldom of Airth, was forced upon him. Earl of Menteith had a fine rolling sound about it. Earls of Menteith had been more or less incompetent generals and statesmen for two hundred years. The title of Stratherne was royal, though carrying with it misfortune. Airth no one in his senses could care about. And the unlucky Earl seems to have used it semi-furtively, in the way that a brave general or admiral, who is made Lord Tooting or Viscount Hoxton, uses his epithet of opprobrium in modern times. Back to Airth Castle the unlucky man repaired, and then his creditors fell on him like coyotes fall upon a lean bull-buffalo in America; at least in the way they used to do in the days when buffalo existed. After his creditors appeared his friends to buy his property at half its value, as the tried and trusty friend is wont to do in times of trouble. The King, too, promised him money on hearing of his distress, but the money is included in the sums the payment of which one rather hopes for (like Sir Thomas More) than looks to see realised. Strangely, the only one of the Earl's friends who stood to him in evil fortune and purchased none of his estate was a lawyer, the Lord Advocate, Sir Thomas Hope. It almost seems he must have been of an inferior legal mind, the case is so extraordinary.

In Menteith the Earl seems to have devoted his time to field sports, as befits a country gentleman, for in 1636 he received a letter from Charles I. thanking him for the capture by his son, Lord Kilpont, of a Highland rogue, John Roy McGregor. The King assured him that this was the best way of regaining his favour, by doing him services. It would seem that had a king insulted most men by offering to make them Earl of Airth, or Camlachie, Tooting, or Bishopbriggs, that it had been more natural to have joined with honest John Roy McGregor to try and catch the king rather than hand the poor Highland rascal over to the kindly gallows of the town of Crieff.

Tastes have always strangely differed in mankind, and that which is intolerable to a bagman, a courtier seems to relish. Little by little the Earl regained the royal favour. In 1639 the sycophantic Scottish nobility almost to a man subscribed to the Covenant. The Earl and his son Kilpont refused to do so, not being good men of business.

From the days of Edward I. of England, who was a man if not a patriot, the nobility of Scotland have always been the slaves either of English kings or Scottish priests. At the present time, as kings and priests have had to some extent their day, and as the Scottish noble must have a master, he has put his neck under the yoke of the London tailor and is happy. Instead, therefore, of joining the Highland and Covenanting rogues, the Earl preferred to try and win back royal favour, and in 1639 he was again appointed a Privy Councillor. The Earl and Lord Kilpont were made lieutenants of Stirlingshire, to raise forces against the Covenanters.

In his son John, Lord Kilpont, the unlucky Earl might have found some one to raise the fortunes of his house. It appeared that the man whose fate furnished Sir Walter Scott with the theme of one of his most enchanting novels was destined to play a brilliant part. He married the Lady Mary Keith, daughter of William Earl Marischal, and received as her dowry thirty thousand pounds Scots. Though the pound Scots is certainly inferior to the pound sterling, I fancy that the Lady Mary's dowry surpassed in value the probably hypothetical one thousand merks a year with which the Earl of Menteith proposed to endow the wife of his son. The Lord Kilpont employed himself with credit in various matters in Scotland, and was appointed one of the Committee of War for Perthshire, under the Marquis of Montrose. His death by the hand of Stewart of Ardvoilich at Collace, in Montrose's camp, extinguished all his father's hopes and broke his heart.

The author of the "Red Book of Menteith," quoting from a paper furnished to him by a member of the Ardvoilich family, says: "It was a hard life the Major (Ardvoilich) led after that he had slain Lord Kilpont, even though he had the Government with him." This is not so surprising to us moderns, who have seen Major Le Caron, the favoured agent of the Government of both sides of politics, pass not exactly a peaceful life. "There was (*sic*) many powerful families that were kin to the Menteiths, specially the Graems, and they were all at feud with him." It is said that even after he was dead "his followers daurna tak his body so far east as Dundura for fear of the Graems," so they just "shoughed" it at the point of Coilmore, whence it was exhumed and placed afterwards in the old chapel. A charming picture of the time. It is pleasing to reflect that even the Government could not protect Ardvoilich.

The "shoughing"* of the body is very graphic, and the word should be incorporated into the English language by Act of Parliament. So the last ray of hope went out for the unlucky Earl of Menteith, and the remainder of the voyage of his life was bound in shallows and in miseries. Little by little he lost his lands, and his creditors became clamorous. The King at one time asked that £7000 should be paid to him "out of the first and readiest of the Customs." Furthermore, he said to the Lords of the Treasury, "we recommend this seriouslie unto you and expect your performance thereoff." However, the debt was not paid, and King Charles, in 1651, again acknowledged the debt, and promised, "on the word of a prince, to see it faithfully paid whenever he found occasion." This, indeed, is the true way to pay old debts, and reminds the writer that he has seen the legend, "Hoy no se fia mañana si," written over the counter of many a "pulperia" in the River Plate.

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* Saxons, and the unlucky folk who live south of the Tweed, may like to learn that to "shough" means to place a plant temporarily in the ground.

In 1650 the Earl created his "cusin," Sir William Graham of Gartmore, his lieutenant for calling and convening "our kind freendis, tenants, cotters and hinds betwix Achyll and the foot of Lochard." A ragged regiment Sir William Graham must have found himself at the head of; but then Coventry is not situated "betwix Achyll and the foot of Lochard." The Cromwellians seem to have added to his afflictions by "totallie burning and weisting the paroch of Aberfoyll, which wes stocked with hys steilbowe corne." After the loss of the King's favour and his son's death, the petty miseries of a man struggling against a load of debt seem to have broken down even his hopeful spirit, for in a paper in the Buchanan Charterchest he describes himself "as much decayed and worne."

In 1661, Campbell of Glenorchy was unable to visit him at his castle in Inch Talla, by "reason of the ice." The ice, too, was settling round his heart, and in the same year he died, worn out with grief and debt, and leaving to his heir a heritage of troubles. Thus ended, in a little island in a little lake, the life of one who at one time was the first peer of Scotland, high in favour with the King, fawned on by courtiers, but at the last without a friend, without an occupation but to chew the cud of bitter recollection and watch the wavelets breaking on the pebbles of Arnmaak, or listen to the cawing of the rooks in the stag-headed chestnuts of Inchmahome.