

FEUD BETWEEN THE MONTGOMERIES AND CUNNINGHAMES.*

A.D. 1588

THE domestic history of Scotland is remarkable for feuds between rival families of distinction, which invariably were accompanied by conflicts and bloodshed. In all parts of the country those feuds prevailed, and were often attended with the most unhappy consequences. Such, for example,

* Pitcairn's Criminal Trials; Moyse's Memoirs of the Affairs of Scotland; Historie of King James the Sext, printed for the Bannatyne Club.

was the feud between the Montgomeries and Cunninghames, two powerful rival families in the west of Scotland, in which Hugh fourth Earl of Eglinton, chief of the former family, was unhappily slain.

This feud had existed for several years previous to the time when the conflict occurred in which the Earl of Eglinton was killed, and it had been carried on with much rapine and bloodshed on both sides. In the time of the third Earl of Eglinton, father of Earl Hugh, a kind of accommodation had been effected to the apparent satisfaction of both parties, and certainly to the Montgomeries, who considered their mutual grievances as finally adjusted. But the voice of the Cunninghames was "still for war." On a Sunday, when the Montgomeries were assembled in a church at divine service, altogether unsuspecting of any violence, they were attacked by a large party of the Cunninghames. The Montgomeries demanded an explanation of this hostile invasion, but they were answered by the discharge of a pistol, and one of them, named Montgomery, was wounded. This individual turned suddenly to defend himself, and having a loaded pistol, he fired at and killed the man who had wounded him. The Cunninghames fled, leaving their dead companion in the churchyard.

Montgomery was prosecuted for the slaughter of his assailant in the criminal court, and acquitted on the ground that he had acted in self-defence. The Cunninghames were furious at this result of the trial, and confederated together under an oath that they would be revenged on the *fattest* of the Montgomeries for the death of their companion. They accordingly subscribed a bond to slay the eldest son of the then Earl of Eglinton, not probably as being literally the *fattest* of his family, but as being the person of greatest consequence next to the Earl himself, of whom they stood in considerable awe. They also stipulated that whosoever undertook to perpetrate this outrage

would not only be maintained at the common expense, but that he would be defended from all "sraith."

A gentleman named Cunninghame, the proprietor of Robertland in the parish of Stewarton, offered his services, which were willingly accepted. He laid his plans in the most treacherous manner. Two years before he accomplished his purpose, he insinuated himself into the friendship and confidence of Lord Montgomery, the destined victim, who easily fell into the snare, and showed the Laird of Robertland "sa great favor that he preferred him to his awin bed-fallow." His father suspected Cunninghame, and often admonished him to beware of the individual, as that extraordinary intimacy might yet be the cause of his ruin; "for," says our quaint authority rather severely, "he knew weil the nature of these Cunninghames to be subtle and false, and therefore willit him to give them nae traist, but to avoid their company altogether, even as he loved his awin life, or wald deserve his fatherly blessing." Lord Montgomery, however, chose to disregard this parental caution, and continued his intimacy with the mortal enemies of his family.

Cunninghame of Robertland was too cautious to attempt any thing during the life of the Earl, but when he died, and Lord Montgomery succeeded his father, he resolved that the young Earl should enjoy his dignity as short time as possible. He had scarcely been one year in possession of the earldom, when riding on one occasion from his mansion called Polnoon towards Stirling, to attend a particular meeting in that town, with very few attendants, and very indifferently mounted, his former friend appeared in hostile array against him with sixty armed men on horseback, and prepared to attack him. His servants fled and the Earl, recalling to his recollection his father's admonitions, spurred his horse to make his escape, but his retreat was cut off, and he was completely surrounded by the

Cunninghames. After upbraiding him, and abusing his family, they murdered him in the most barbarous and atrocious manner, "with shots of guns and strokes of swords."

When the tidings of this barbarous murder reached the Government, the most summary proceedings were instituted against the perpetrators, but the ringleaders consulted their safety by flight. As none of them could be apprehended, the King ordered all their houses and mansions to be given up to the murdered Earl's brother, to be demolished or otherwise appropriated at his discretion, and we are farther told that James *swore by the great oath* that he would never pardon any one concerned in the crime. But the King's recollection of the *great oath* was very brief, or he suited it according to his own convenience. Cunninghame of Robertland fled to Denmark, where he contrived to ingratiate himself with the Court, and when the negotiations were in progress for the marriage of James and the Princess Anne, he was particularly active in proffering his services to the future queen consort of Scotland and of Great Britain. He secured the influence of the Princess to obtain a pardon, and when James went in person to Denmark to bring over the Queen, the very first request which the Princess made, as a personal favour, was the pardon of the Laird of Robertland. It is almost unnecessary to add that James, who sincerely loved his royal consort, readily acceded to her request, and Cunninghame was received into favour in presence of the Danish Court. He returned to Scotland in the retinue of her Majesty, and was appointed one of her Masters of the Royal Stables.

The Earl of Eglinton was succeeded by his only son Hugh, an infant, whose mother was a daughter of Lord Boyd. A few years after the murder of the Earl, while the feud was still raging between the Montgomeries and the Cunninghames, a complaint was entered by the "Countess

of Eglinton, Hugh Earl of Eglinton, only lawful son of the deceased Earl of Eglinton, Robert Master of Eglinton, his tutor, and the kin and friends of the late Earl," on February 12, 1595-6, that whereas the said "umquhile Earl, being maist shamefully and cruelly slane by John Cunninghame of Ross (and Robertland), brother to James Earl of Glencairn," several other persons of the name of Cunninghame, and their associates, "and they taking the crime upon them, absented themselves from trial, and were therefore denounced and registered at the horn, whereat they remained divers years thereafter, until of late, as the complainers are informed, the said persons have purchased a remission or respite for the said slaughter, whereby they intend to deprive the complainers of their lawful suit, so that instead of justice, which they ever looked for conform to his Majesty's *solemn vow and promise* made to that effect, they are now moved to lament to his Highness the want of justice, through the said respite or remission." The complainers farther state, that there has been no "assithment or satisfaction made to them for the said slaughter," and they are of opinion that the "respite or remission is *ipso facto* null." The Tutor of Eglinton appeared for the complainers, and the Earl of Glencairn and William Cunninghame of Caprington for the defenders. The King and Council remitted "this mater, to be decydit befor the Justice or his deputis as accordis to law." The result of the case is not recorded, but the feud continued till 1606, when the Privy Council wrote a letter to the King, dated 27th August, on the subject. Several years before this the Sempills were involved in it, and that once powerful family, with the mutual disputes of the Montgomeries and Cunninghames, long kept the counties of Ayr and Renfrew in continual disorder.